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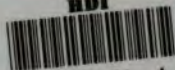
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Prince Edward Island, Laws, statutes, etc.  
Session laws

THE  
**ACTS**  
OF THE  
**GENERAL ASSEMBLY**  
OF  
**PRINCE EDWARD ISLAND.**

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ANNO DECIMO QUINTO VICTORIÆ REGINÆ.

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**VOL. III.**



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**CHARLOTTETOWN:**

**EDWARD WHELAN, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.**

1852.

CAL

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P89  
122  
852

Rec. April 16, 1902

# TITLES OF THE ACTS.

## FOURTH SESSION

OF THE

## EIGHTEENTH GENERAL ASSEMBLY.

1852.

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ANNO DECIMO QUINTO

**VICTORIÆ REGINÆ.**

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At the General Assembly of Her Majesty's Island of *Prince Edward*, begun and holden at *Charlottetown*, the Fifth day of *March*, Anno Domini, 1850, in the Thirteenth year of the Reign of our Sovereign Lady VICTORIA, by the Grace of God, of the United Kingdom of *Great Britain and Ireland*, Queen, Defender of the Faith :

1852.

Sir ALEXANDER  
BANNERMAN,  
Knight, Lieut.  
Governor.

R. HODGSON,  
President of  
Council.

And from thence continued by several Prorogations, to the Twenty-second day of *January*, 1852, and in the Fifteenth year of Her said Majesty's Reign ; being the Fourth Session of the Eighteenth General Assembly convened in the said Island.

ALEXANDER  
RAE, Speaker.

~~~~~

C A P . I .

An ACT to further continue an Act intituled " An Act to regulate the Fisheries of this Island."

[February 11, 1852.]

WHEREAS it is deemed necessary to protect the Fisheries of this Island : Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, That an Act passed in

Continued for  
Ten Years Act  
5th Geo. 4, cap.  
12.

the Fifth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act to regulate the Fisheries of this Island*, which has been continued by subsequent Acts, but will now, unless further continued, shortly expire, be, and the same is hereby further continued for the space of Ten Years from and after the passing of this Act, and from thence to the end of the then next Session of the General Assembly, and no longer.

## CAP. II.

**An ACT to continue two several Acts therein mentioned, relating to the floating of Logs, Scantling, Deals, and other kinds of Wood down the Rivers and lesser Streams in this Island.**

[February 11, 1852.]

**W**HEREAS the hereinafter mentioned Acts will shortly expire, and it is deemed expedient to continue the same—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that the following Acts, videlicet :

Continues for  
Ten Years the  
following Acts:  
3 Vic. cap. 12,

An Act passed in the Third Year of the Reign of Her present Majesty, Queen *Victoria*, intituled *An Act to regulate the floating of Logs, Scantling, Deals, and other kinds of Wood down the Rivers and lesser Streams in this Island*; and—

and 6 Vic. cap.  
9.

An Act passed in the Sixth Year of the Reign of Her present Majesty, Queen *Victoria*, intituled *An Act to amend the Act regulating the Floating of Logs, Scantling, Deals, and other kinds of Wood down the Rivers and lesser Streams in this Island, and for other purposes therein mentioned*; and every matter, clause and thing in the said hereinbefore recited Acts

respectively contained, shall be, and the same are hereby continued, and shall remain in force for Ten Years from the passing hereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

---

### CAP. III.

#### An ACT further to continue an Act relating to Landlord and Tenant.

[February 11, 1852.]

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Sixth year of the Reign of Her present Majesty, Queen *Victoria*, intituled *An Act relating to Landlord and Tenant*, and which was continued by an Act passed in the Ninth year of the said Reign, intituled *An Act to continue an Act relating to Landlord and Tenant*, be, and the same is hereby further continued and declared to be in force for Ten Years from the passing hereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continues for  
Ten Years Act  
6 Vic. cap. 20.

---

### CAP. IV.

#### An ACT further to continue an Act regulating Seamen shipped on board of any Ship or Vessel belonging to Prince Edward Island, whilst within the Precincts of the said Island.

[February 11, 1852.]

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed

Continues for

Seven Years  
Act 9 Vic. cap.  
27.

in the Ninth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to make provision for the Regulation of Seamen shipped on board of any Ship or Vessel owned in or belonging to Prince Edward Island, whilst such Ship or Vessel shall be within the Precincts of the said Island*, and which was continued by an Act passed in the Thirteenth Year of the said Reign, intituled *An Act to continue several Acts therein mentioned*, be, and the same is hereby further continued and declared to be in force for the space of Seven Years from the passing hereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

## CAP. V.

An ACT to consolidate the Laws now in force regulating the Sale of the Interest of Leaseholders, when taken in Execution.

[February 11, 1852.]

Preamble.

WHEREAS the Laws now in force regulating the Sale of the Interest of Leaseholders, when taken in Execution, will shortly expire, and it is deemed expedient to repeal the same, and to make provisions in lieu thereof, in order that Leases and Terms for Years should not be Sold under Execution in the same way as Goods and Chattels, which in the absence of Provisions on the subject would be the case, and would be productive of much inconvenience: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows:

I. The Act, Fifty-ninth *George* the Third, Chapter Seventh, and also the Act, Eighth *George* the Fourth, Chapter Seventh, are hereby severally repealed, save and except and in so far as the said Acts are declared to be in force, for the purposes hereinafter mentioned.

Repeals Acts 59  
Geo. 3, cap. 7,  
and 8 Geo. 4,  
cap. 7.

II. From and after the passing of this Act, no Leasehold Interest or Term of Years in any Lands, Tenements or Hereditaments hereafter to be taken in Execution within this Island, shall be exposed for Sale until the expiration of Twelve Calendar Months after the same shall have been so taken in Execution.

No Leasehold  
Interest taken  
in Execution to  
be sold until the  
expiration of 12  
Months.

III. Whenever any Leasehold Interest or Term of Years shall be taken in Execution, the Sheriff, Coroner, or other proper Officer, to whom such Writ of Execution shall be directed, shall duly advertise the same for Sale, pursuant to this Act, and in the manner directed by Law in such cases respecting Freehold or Real Estates taken in Execution within this Island.

Sheriff shall ad-  
vertise the same  
for Sale.

IV. If the Premises so taken in Execution, or any part thereof, shall have been previously underlet by the Defendant or Defendants named in any such Writ of Execution to any under-Tenant or under-Tenants, whose Term or Terms shall not have expired at the time of such Execution being levied, then the Sheriff, Coroner, or other proper Officer, shall notify such Under-Tenant, or Under-Tenants, that he, she or they must attorn, and become Tenants to the Plaintiff or Plaintiffs named in the Writ of Execution; and the said Plaintiff or Plaintiffs shall from thenceforth until Sale, or other sooner determination of the Suit, have the like power and authority to recover and receive the Rents payable by such Under-Tenant or Under-Tenants,

If premises are  
underlet, under-  
Tenants to be  
notified to at-  
torn to Plaintiff.

Plaintiff, before  
the end of suit,  
to have power  
to receive so  
much of the

Rents payable  
by Under-Ten-  
ants as will sa-  
tisfy the Exe-  
cution.

or so much thereof as will satisfy the Execution, as the Defendant or Defendants named in such Writ had before; and such Under-Tenant or Under-Tenants shall stand absolutely discharged of and from the claims of such Defendant or Defendants for so much Rent as he, she or they shall pay as aforesaid, and which shall be received in liquidation of the Levy marked on such Execution.

When Terms of  
Years are taken  
in Execution,  
Sheriff to return  
the Writ within  
Eight days af-  
ter levy made

V. In all cases where Terms of Years are taken in Execution, under or by virtue of any Writ issuing out of the Supreme Court of Judicature of this Island, or out of any other Court competent, the Sheriff to whom such Writ is directed shall return the same into the said Court from which it issued within Eight Days after the so taking any Term of Years in Execution as aforesaid, notwithstanding any other Return Day in such Writ contained: Provided that no Covenant, Agreement or Proviso in any such Lease or other Instrument shall prevent the Interest of any such Leaseholder as aforesaid from being Sold, in terms of this Act, to pay his or her just Debts, nor shall the Sale thereof as aforesaid in any case be a forfeiture of such Lease—anything contained in such Lease or Instrument to the contrary notwithstanding.

Proviso.

Sheriff to Sell  
the Interest of  
Leaseholders, &  
execute a Deed  
transferring the  
same to Pur-  
chaser.

VI. It shall and may be lawful for the Sheriff, Coroner, or other proper Officer, at the time allowed by this Act, to expose to Sale the Interest of any such Leaseholder as aforesaid, and the same shall thereupon be put up to fair Auction, and shall be Sold to the highest Bidder, who shall be declared the Purchaser; and the Sheriff, Coroner, or other proper Officer, shall forthwith execute to such Purchaser, at his (the Purchaser's) expense, an absolute Deed of Sale, or Assignment of such Leasehold Interest, reciting

therein the Execution under which the same may have been Sold—which Deed or Assignment shall be good and sufficient in Law to transfer such Leasehold Interest unto such Purchaser, his Executors, Administrators and Assigns; and it shall and may be lawful for the Sheriff, Coroner, or other proper Officer, after such Deed or Assignment shall have been so executed, to enter into the Premises specified in such Deed or Assignment, and to put the Purchaser into quiet and peaceable Possession thereof.

VII. And whereas Executions and other proceedings may have issued and been had, and be still pending, relating to the Sale of the Interests of Leaseholders when taken in Execution, under and by virtue of the provisions of the Acts on that subject hereinafter recited, and herein before repealed: Be it therefore enacted, That for the purpose of fully completing and finishing all such Proceedings and Executions, and of Selling all Interests of Leaseholders taken thereunder, and of giving Conveyances thereof, and of fully performing and completing all such Matters and Things as are authorised or required to be done by the hereinafter recited Acts, in relation to any such Executions or other Proceedings as may be had or pending, and may be necessary to be done and performed thereunder, for the carrying on and completion of the same, the Act, Fifty-ninth George the Third, Chapter Seventh, intituled *An Act to regulate the Sale of the Interest of Leaseholders, when taken in Execution*, and the Act, Eighth George the Fourth, Chapter Seventh, intituled *An Act to continue and amend an Act passed in the Fifty-ninth Year of His late Majesty's Reign, intituled "An Act to regulate the Sale of the Interest of Leaseholders, when taken in Execution,"* shall be and the same are hereby declared to be continued, and to be in full force

The Acts herein before repealed to be in force until all proceedings pending thereunder shall be determined.



and effect, until all such Proceedings as aforesaid are fully executed and determined, and for the purpose of sustaining the same—any thing in this Act contained to the contrary thereof notwithstanding.

Duration of Act

VIII. This Act shall continue and be in force for the period of Ten Years from the passing thereof, and from thence to the end of the their next Session of the General Assembly, and no longer.

## C A P . V I .

An ACT to facilitate the Intercourse between this Island and the Provinces of *Nova Scotia* and *New Brunswick*.

[February 11, 1852.]

Preamble.

WHEREAS it is of great importance to the Public that there should be maintained a more general and constant Intercourse between this Island and the Provinces of *New Brunswick* and *Nova Scotia* than is now maintained through the means of the Packet employed by the Government of this Island, to run with the Mails between the Harbours of *Charlottetown* and *Pictou*; and it is expedient to give encouragement to such Persons as will provide and maintain Packet Vessels at the different Stations hereinafter mentioned, which may serve at all times, as occasion may require, for the conveyance of Goods and Passengers to and from this Island, and of any Government Mails or Despatches: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for His Excellency the Lieutenant Governor, by and with the advice and consent of Her Majesty's

Lieut. Governor  
&c., to grant a

Council, to cause Tenders to be called for, to run a Packet Vessel or Vessels between the Harbour of *Georgetown*, in this Island, and the Harbour of *Pictou*, in *Nova Scotia*, and between the Harbour of *Bedeque*, in this Island, and the Harbour of *Shediac*, in *New Brunswick*, calling at *Green's Wharf*, both on arriving at and departing from *Bedeque*, of the burthen of not less than Seventy Tons for *Bedeque*, and Fifty Tons for *Georgetown*, old measurement; and it shall be lawful for the Lieutenant Governor in Council, out of the Tenders sent in for the above purposes, or either of them, to select and accept such as shall appear to be the best and most advantageous for the Public Interests—regard being had as well to the nature and capacity of the accommodation of the Vessel or Vessels offered, as to the lowness of the Rate or Price of such Tender; and it shall and may be lawful for the Lieutenant Governor, by and with the advice and consent of Her Majesty's Council, to authorize by License, under his Hand and Seal, any Person or Persons, whose Tender shall be so accepted, to run a Packet Vessel or Vessels between the said Harbour of *Georgetown*, in this Island, and the Harbour of *Pictou*, in *Nova Scotia*, and between *Bedeque*, in this Island, and the Harbour of *Shediac*, in the Province of *New Brunswick*, calling both on arriving at and departing from *Bedeque*, at *Green's Wharf* as aforesaid; and in every such License it shall be required of the Person to whom it is granted that the Packet Vessel to be employed shall be of the burthen of not less than Seventy Tons for *Bedeque*, and Fifty Tons for *Georgetown*, old measurement, as aforesaid, and shall be sufficiently manned and furnished for the safe keeping and conveyance of all and every such Public Mail or Mails, Packages, Despatches and Letters delivered from the Post Office, at

License for a  
Packet between  
*Georgetown* &  
*Pictou*.

And for a Pack-  
et between *Be-  
deque* and *She-  
diac*.

Tenders to be  
made.

Conditions to be  
inserted in such  
Licenses.

*Charlottetown*, in this Island, and which may be committed to the care of the Person or Persons to whom such License shall be given; and also that such Packet Vessel shall have necessary and sufficient accommodation for Passengers, with separate Cabins for Male and Female Passengers, with Water Closet attached, and shall run between the Harbours at the respective stations of such Packets before mentioned, at least once in every Week, between the opening of the Navigation and the closing of the same, during the period for which such License shall be granted; and such License shall also contain such further regulations, to be observed by the Person to whom granted, as to His Excellency the Lieutenant Governor in Council shall seem needful and necessary for the safe and speedy reception, transmission and delivery of such Mail, Packages, Letters and Despatches, and for the safety of such Passengers as aforesaid.

If a Steamer be offered, to ply between Bedeque and Shediach,

II. And be it enacted, That in the event of a suitable Steamer being placed upon the Station, to run Weekly between the Harbour of *Bedeque* aforesaid and the Harbour of *Shediach*, in the Province of *New Brunswick*, in the place of the Sailing Packet before mentioned, that then and in such case there shall be granted, and paid out of the Public Treasury of this Island, by Warrant, under the Hand and Seal of the Administrator of the Government for the time being, a sum not exceeding One Hundred and Fifty Pounds, to the Person or Persons who shall be licensed to run such Steam Vessel,—subject, nevertheless, to all such Rules and Regulations as are enjoined by this Act: Provided also, that any License granted to the Owner of any Sailing Packet for that Station shall in such case be cancelled, on giving Six Months' notice to the Owner or Owners holding such License.

£150 granted as a Bounty.

Steamer subject to same conditions as a Sailing Packet.

III. And be it enacted, That during the continuance of this Act there shall be granted, and paid out of the Public Treasury of this Island, by Warrant, under the Hand and Seal of the Administrator of the Government for the time being, to the Person who shall be licensed to run the Sailing Packet between *Georgetown* and *Pictou* aforesaid, an annual sum not exceeding Fifty Pounds; and to the Person who shall be licensed to run the Sailing Packet between *Bedeque* and *Shediac* aforesaid, an annual sum not exceeding Eighty Pounds, during the continuance of their respective Licenses,—the One-half of which Payment shall be made on the First Thursday in *August*, and the remainder at the closing of the Navigation in each Year: Provided that, in every instance, before any of the said Payments shall be made, the Person or Persons so licensed shall make it appear to the satisfaction of the Administrator of the Government for the time being, and Her Majesty's Council, that he or they have in all things fulfilled and complied with the conditions in his or their said license contained.

£50 for a Sailing Packet between *Georgetown* & *Pictou*.

£80 for a Sailing Packet between *Bedeque* and *Shediac*.

Bounties when payable.

Proof of performance of Conditions in License to be made before payment.

IV. And be it enacted, That before any License shall be granted in any case, under and by virtue of this Act, it shall be lawful for the Administrator of the Government in Council, for the time being, to appoint two competent Persons, resident in *Bedeque*, no way interested in the Vessel offered to be run as a Packet between that Port and *Shediac*, in the Province of *New Brunswick*, and two competent Persons, resident in *Georgetown*, no way interested in the Vessel offered to be run as a Packet between that Port and *Pictou* aforesaid, whose duties it shall be respectively to inspect such Vessels, and ascertain the fitness thereof for such purpose, and also to examine into, inquire and ascertain

Lieut. Governor to appoint two competent persons at *Bedeque* and *Georgetown* to inspect the Packets.

Duties of Inspectors.

Licenses only to be given on favorable Report of Inspectors.

the capacity and character of the respective Masters of said Vessels for their offices, and who shall report thereon to the Administrator of the Government in Council for the time being; and such License shall only be granted in the event of such Report being satisfactory on the said several points herein before mentioned—anything in this Act to the contrary notwithstanding.

For refusal or neglect to fulfil conditions in License, License may be cancelled by Lieut. Governor.

And Bounty to be forfeited.

V. And be it enacted, That if it shall be made to appear, to the satisfaction of the Lieutenant Governor and Council, that the Person or Persons who shall or may have obtained a License to run a Packet at either of the Stations mentioned in this Act shall have wilfully neglected or refused to fulfil the conditions prescribed by such License, it shall be lawful for the Lieutenant Governor in Council to cancel such License, and to grant a new License to any other Person or Persons who shall be willing to comply with the provisions of this Act; and the Person or Persons so neglecting or refusing to comply with the Regulations contained in such License as aforesaid shall not be entitled to any portion of the Bounty granted by this Act.

Applicants for Licenses for Packets to submit a Schedule.

Particulars of Schedule.

Rates of passage, &c., to be published in the *Royal Gazette*.

Bounties forfeited if Rates are varied, &c.

VI. And be it enacted, That any Person or Persons applying to the Lieutenant Governor in Council for a License as aforesaid, shall submit a Schedule of the several Rates to be by such Person or Persons charged for Passengers, Goods and Cattle, as also a description of the accommodations provided in such vessel, which, if agreed to, shall, together with the stated times of sailing of such Packet, be published Three times in the *Royal Gazette* Newspaper, for public information, and a Copy thereof kept posted in a conspicuous part of such Packet; and such Person or Persons shall not be entitled to the

Bounty allowed by this Act, if he or they shall increase the amount of such Rates during the continuance of such License as aforesaid.

VII. And be it enacted, That when and so often as it shall be necessary for any Vessel running as a Packet Vessel under this Act to come alongside of any of the Public Wharfs at *Georgetown* or *Bedeque* aforesaid, for the purpose of discharging or landing Passengers, Goods, Merchandize, Chattels, or Her Majesty's Mails, or of shipping or receiving on board any such Passengers, Goods, Merchandize, Chattels or Mails, and no suitable Berth for such Vessel at any of the Public Wharfs in the Port where such Vessel may be shall appear unoccupied, it shall and may be lawful for the Harbour Master of either of the said Ports, as the case may be, and he is hereby required, to cause to be removed to some equally safe Berth any other Vessel or Vessels lying at such Wharfs, and in a condition capable of being removed, and whether loading or unloading, in order to give place to any such first-mentioned Packet Vessel; and the Vessel or Vessels running as Packets under this Act shall be entitled to come up to and lie at any of the Public Wharfs aforesaid, and to load and unload thereat and thereon, without being liable to pay any Harbour or Wharfage Dues; nor shall any such Packet Vessel, on entering any of the Ports of this Island, be liable to pay any Light Dues otherwise chargeable under or by virtue of any Act of the General Assembly of this Island.

Harbor Master may cause Vessels lying at Public Wharfs to give place to Packets.

Packets not liable to Harbour, or Wharfage, or Light Dues.

VIII. And be it enacted, That this Act shall continue and be in force for Five Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

Duration of Act

## CAP. VII.

An ACT to amend the Act providing for the Payment of the Civil List of *Prince Edward Island*, and for commuting the Crown Revenues thereof.

[February 11, 1852.]

14 Vic., cap. 3.

WHEREAS by the Twelfth Section of an Act of the General Assembly of *Prince Edward Island*, made and passed in the Fourteenth Year of Her Majesty's Reign, intituled *An Act to commute the Crown Revenues of Prince Edward Island, and to provide for the Civil List thereof, as well as for certain Compensations therein mentioned*, it is enacted, amongst other things, that all the Right of Her Majesty, whether in reversion or otherwise, or reserved in and to all and singular the Lands, Mines of Gold, Silver, Iron, Coal, and other things therein enumerated, within this Island, of which the Title was then in Her Majesty, should be assigned, transferred and surrendered to the disposal of the General Assembly of this Island: And whereas, in Compacts between the Crown and a Colonial Assembly, such as that contemplated in the said recited Act, whilst the right to dispose of the Revenues and Profits arising from the Public Lands, and the Sale and Rent thereof, and the regulation of the Expense of managing the same, has been conceded to the Local Legislature, it has, nevertheless, been deemed essential to continue and maintain the Right and Title of the Crown over the Soil itself, for the purpose of giving valid Deeds and Grants thereof, and for the purpose of various legal proceedings; and such was accordingly the

course pursued in the Act of the General Assembly of *Nova Scotia*, providing for the payment of the Civil List thereof, but was not provided for in the said recited Act, which therefore requires amendment: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the word "Lands," being the Thirty-eighth word from the commencement of the Twelfth Section of the said recited Act of the General Assembly of this Island, shall be omitted in the reading and meaning, and that the said Section shall read and be construed as if the said word "Lands" had never been therein inserted.

The word 'lands' in the 12th sec. of 14 Vic., c. 3, shall be omitted in the reading and meaning thereof, same as if it had never been inserted therein.

II. And be it enacted, That nothing in this Act or the said recited Act contained, shall extend, or be construed to extend, to prevent the Grant, Sale, Lease or Disposal of any of the ungranted Lands in this Island, by or on behalf of the Executive Government thereof, and in the Name of Her Majesty, Her Heirs and Successors; but all such Grants, Sales, Leases or Disposal of such ungranted Lands, and the management and controul thereof, shall remain and be invested in the Government of this Island, on behalf of her Majesty, Her Heirs and Successors, or in such Officers as shall be directed by any Act of the General Assembly of this Island hereafter to be passed, and the Net Proceeds of such Grants, Sales, Leases or Disposal of such ungranted Lands shall, after deducting the Expenses attendant upon the management thereof, be paid into the Treasury of this Island, and an Account of such Expenses shall be annually laid before the General Assembly of this Island; and the said Expenses shall be subject to the controul and regulation of the said General Assembly; and no other or greater Allowance, Salary or Expenses shall on any ac-

Nothing in this Act shall prevent the Granting, &c., of ungranted lands.

All Grants, &c., shall be invested in the Government of this Island, on behalf of Her Majesty, or in such officers as shall be directed by Act, and net proceeds paid into the Treasury.

Accounts to be laid annually before General Assembly.



count be taken or increased than such as shall be fixed and allowed, or sanctioned by the said General Assembly.

It. Governor in Council may, in Her Majesty's name, grant, &c, ungranted Crown Lands.

III. And be it enacted, That it shall be lawful for the Lieutenant Governor or other Administrator of the Government of this Island for the time being, by and with the advice and consent of Her Majesty's Executive Council thereof, from time to time, in the Name of Her Majesty, Her Heirs and Successors, to Grant, Sell, Lease and dispose of any ungranted Lands of the Crown in this Island, on such terms and in such manner as to him shall seem best and most for the interests of the Inhabitants of this Island, and for such purpose, under his Hand and Seal, to give and execute all necessary Deeds and Conveyances,—the same being made, nevertheless, in the Name of Her Majesty, Her Heirs and Successors.

Suspending Clause.

IV. And be it enacted, That this Act shall not go into operation, or be of any effect or force, until Her Majesty's Assent shall be signified, and notification thereof shall have been published in the *Royal Gazette* Newspaper of this Island.

## CAP. VIII.

**An ACT relating to the Recovery of  
Small Debts, and to repeal certain  
Acts therein mentioned.**

[April 3, 1852.]

**B**E it enacted, by the Lieutenant Governor,  
Council and Assembly, as follows :

I. From and after the passing of this Act, the  
several Acts hereinafter mentioned shall be, and  
the same are hereby repealed ; that is to say : Repealed

An Act passed in the Second Year of His  
late Majesty King *William the Fourth*, intituled 2 W. 4, c. 1;  
*An Act to consolidate and amend the several Acts  
of the General Assembly therein mentioned, relat-  
ing to the Recovery of Small Debts :*

An Act passed in the same Year of the same  
Reign, intituled *An Act to authorize Justices of  
the Peace and Commissioners under the Small  
Debt Act to issue Writs of Summary Capias  
against Persons about to leave this Island :* 2 W. 4, c. 8.

An Act passed in the Third Year of the same  
Reign, intituled *An Act to amend an Act made  
and passed in the Second Year of His present Ma-  
jesty's Reign, intituled " An Act to consolidate  
and amend the several Acts of the General Assem-  
bly therein mentioned, relating to the Recovery of  
Small Debts," and to repeal Two other Acts  
hereinafter mentioned :* 3 W. 4, c. 11;

An Act passed in the Sixth Year of the same  
Reign, intituled *An Act in further amendment of  
an Act of the Second Year of His present Majes-  
ty, for consolidating and amending the Acts re-  
lating to Small Debts :* 6 W. 4, c. 4;

7 W. 4, c. 11; An Act passed in the Seventh Year of the same Reign, intituled *An Act to amend the several Acts of this Island relating to Small Debts* :

3 Vic., c. 18; An Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act to enable Commissioners under the Small Debt Act and Justices of the Peace throughout this Island to appoint Clerks* :

7 Vic., c. 2; An Act passed in the Seventh Year of the Reign of Her present Majesty, intituled *An Act relating to the Recovery of Small Debts, and to repeal certain Acts therein mentioned* :

8 Vic., c. 7; An Act passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act to authorize the Commissioners of Small Debts, in their respective Courts, to appoint Bailiffs to execute the Processes of the said Courts, and to take Security from such Bailiffs for the due execution of the same* :

9 Vic., c. 7; and also Also, an Act made and passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act to amend an Act passed in the Seventh Year of Her present Majesty's Reign, relating to the Recovery of Small Debts* :

11 Vic., c. 30. And also, an Act passed in the Eleventh Year of the Reign of Her present Majesty, intituled *An Act to repeal an Act made and passed in the Eighth Year of the Reign of Her present Majesty, intituled "An Act to authorize the Commissioners of Small Debts, in their respective Courts, to appoint Bailiffs to execute the Processes of the said Courts, and to take Security from such Bailiffs for the due execution of the same, and to make other Provisions in lieu thereof:"*—be, and the same are hereby severally and respectively repealed—save for the purposes herein-after, in the Sixty-fifth Section of this Act, mentioned.

II. When and so soon as this Act shall go into operation, it shall and may be lawful for the Lieutenant Governor for the time being, by and with the Advice and Consent of Her Majesty's Executive Council of this Island, to constitute and appoint, within each of the Counties of this Island, not more than Six Courts for the Recovery of Small Debts, and to declare, by and with the Consent aforesaid, where and in what part of each County the said Courts shall respectively be holden, and also on what Days of each Month the said Courts shall respectively hold their Sittings (so as the several Courts in each County may sit on different days), and to appoint to each Court Three Judges or Commissioners, to adjudicate in each Court—each Court to have Jurisdiction only within the County in which it is held, except in the Cases hereinafter mentioned: Provided always, that if, by reason of Sickness of the other Commissioners or other unavoidable cause, not more than Two Commissioners shall be present on any Day appointed for the hearing of Cases in any of the said Courts of Commissioners, it shall and may be lawful for the Two Commissioners present to adjudicate upon all Cases to be heard wherein the Parties thereto shall so consent; and every necessary adjournment of the Court shall and may be made by any Commissioner or Commissioners present, where One or more shall be absent by reason of any such cause as aforesaid, or by the Clerk of the Court, where all the Commissioners shall be absent for any such cause as aforesaid.

Not more than Six Small Debt Courts to be constituted in each County.

Courts, where to be held, and .

On what days of the Month they shall hold their Sittings.

Three Commissioners to be appointed for each Court. Jurisdiction of Courts.

Two Commissioners may adjudicate in certain cases.

Adjournments, how made.

III. In addition to the said Courts, it shall be lawful for the Lieutenant Governor of this Island for the time being, by and with the Consent and Advice of Her Majesty's Executive Council thereof, to constitute one other Court for

One additional Court to be constituted for Queen's County.

Sittings where  
to be held, &c.

Quorum.

Jurisdiction.

the Recovery of Small Debts in *Queen's County*, to hold its Sittings in *Charlottetown*, and to appoint to such last mentioned Court Five Commissioners to adjudicate therein—any Three of whom shall be a Quorum—such Court to have Jurisdiction within *Queen's County* only, except in the cases hereinafter mentioned.

Commissioners  
to take an Oath  
before exerci-  
sing the duties  
of their Office.

Certified Copy  
of Oath to be  
produced in  
Court; which  
shall be sent by  
Clerk to Prothono-  
tary's Office,  
&c.

IV. Each Commissioner of Small Debts, to be appointed under the Authority of this Act, shall, before he shall exercise any of the Duties belonging to his Office, take the Oath following, before one of the Judges of the Supreme Court, or one of the Justices of the Peace for the County in which he resides—a certified copy of said Oath to be produced in Court before such Commissioner will be allowed to adjudicate; and the Clerk of the Court is hereby authorised to forthwith send said Copy to the Office of the Prothonotary of the Supreme Court, or his Deputy, in the County, who shall record the same:

Form of Oath.

"I, *A. B.* do Swear, that I will, to the best of my Judgment, faithfully discharge the Duties of a Commissioner of Small Debts for the Time I may be continued in Office, according to Law and Equity, without fear, favor or affection.

"So help me GOD."

Sittings of  
Courts, where  
and when to be  
held, &c.

V. Each of the said Courts shall hold its Sittings at the Place where the Lieutenant Governor, by and with the Advice and Consent of Her Majesty's Council, shall have appointed the same to be held as aforesaid (except for the hearing of cases of Summary Capias, hereinafter mentioned), once in every Calendar Month, on such day as shall, in manner herein before set forth, be appointed by the Lieutenant Go-

vernor and Council for that purpose, and shall sit for as many Days after each Day of Meeting, in each Month respectively, by adjournment, as may be necessary to judge and finally determine the Actions therein pending; and at the Sittings so to be holden in the Months of *March, June, September and December*, in each and every Year, the said Courts shall and may Try all Actions whereof they may have Jurisdiction under this Act, whether the Debt or Damage claimed exceeds or is less than Eight Pounds; but at the remaining Eight Monthly Sittings, to be holden in *January, February, April, May, July, August, October and November*, in each Year, shall only try Actions wherein the Debt or Damage claimed does not exceed *Eight Pounds*.

Courts may adjudicate on all sums not exceeding £20, at the Sittings in March, June, September and December.

Jurisdiction of Courts limited to £8, at the other Monthly Sittings.

VI. Each Court of Commissioners to be constituted under this Act is hereby authorized and required to appoint a Clerk, resident at or near to the Place where the Court shall hold its Sittings, to assist in the Management of the Business thereof, for whose Acts the Commissioners making the Appointment shall, at all times, be responsible—which Clerk, when duly appointed and sworn into Office, shall have full power and authority, under the directions of the said Court, to issue Processes, administer Oaths, and execute Papers of Appeal, Recognizances, and such other Papers as may be required to carry out the Intentions of this Act, in all Matters appertaining to the Court to which he may have been appointed; and for his Services he shall be allowed such Fees as are set forth in the Table of Fees, to this Act annexed; and each Clerk, so appointed, shall and is hereby required to keep a Book or Books, wherein he shall enter and record the Names of the Parties, Plaintiff and Defendant, in each Suit before the said Court,

Commissioners to appoint clerks for their respective Courts.

Commissioners responsible for the acts of such Clerks.

Clerks to be sworn.

Powers of clerks

Clerks' Fees.

Further duty of Clerks.

and the Progress of each Case, from time to time, and the Proceedings taken therein, from its commencement to its final determination, as also the several Orders and Judgments and Executions; that the said Court shall or may make thereon in pursuance of this Act, and of all other proceedings of the said Court, so that a complete Record thereof shall be kept; and the said Clerk shall also take charge of and shall keep an Account, in the said Book or Books, of all Court Fees or Fines payable or paid into Court, and Fees paid or payable to Bailiffs and other Officers of the said Court, and of all Moneys paid into or out of Court; and each and every Clerk as aforesaid, neglecting to keep such Book or Books, shall forfeit a Sum not exceeding Twenty Pounds to the Person who shall be thereby aggrieved—the same to be recovered by Action of Debt, in Her Majesty's Supreme Court of Judicature.

Penalty on Clerks neglecting to keep Books.

Mode of recovery of Penalty.

Jurisdiction of Courts.

Cases in which Courts shall have no jurisdiction.

Saves the Right of Action of certain parties.

VII. The said Courts shall have Jurisdiction in matters of Debt and Trover, for the Recovery of Sums not exceeding Twenty Pounds, exclusive of any Interest that may have become due on the principal Debt, not exceeding Six Years Interest; but not in any Actions brought for the Recovery of any Sum arising upon any Contract or Case where the Title to Real Estate or Boundary Lines must be adjudicated upon, nor to any Sum won by means of any Wager or Gaming, nor to any Penalty incurred by any Act of this Island, unless so directed by any such Act, nor to any Debt whereof there has not been a Contract, Undertaking or Promise to pay within Six Years before the commencement of the Action, if, in the last mentioned case, the Defendant shall plead the same: Provided always, that if, at the period when a Right of Action shall accrue to any Person by

virtue of this Act; either of the Parties to such Action be absent in any of the neighbouring Provinces, or in any other parts beyond the Seas, or shall be a married Woman, or a Person of unsound mind, then each and every Person entitled to bring any such Action shall and may, nevertheless, commence the same at any period within Twelve Months next after the termination or removal of any such disability as aforesaid.

VIII. And whereas the Laws relating to Distresses for Rent have lately—to wit, by an Act of the General Assembly of this Island, passed in the Fourteenth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to regulate the Costs of Distresses levied for Payment of Rents and to amend the Laws relating to Distress*,—been so regulated as to afford additional Security, both to the Landlord and Tenant, in all Proceedings thereunder, and by the Law relating to such Distresses, Landlords are restrained from Selling Property taken by them as Distress, save and except at certain specified periods of the Year, and under Proceedings by Distress the Tenant can, if Injustice be done, replevy his Goods and Chattels taken, and have the Justice or Injustice of the Demand tried in the Supreme Court before a Jury: And Whereas it is desirable and just that Questions between Landlord and Tenant, on Contracts for the Payment of Rent or otherwise, should, as much as possible, be excluded from the Jurisdiction of the Courts to be constituted under this Act, wherein neither the Landlord nor the Tenant can have the advantage of having their Cause submitted to a Jury of the country: Be it therefore enacted, That no Action or Suit—except the same commences by Capias, as hereinafter mentioned—for any

14 Vic., c. 13.

No Action for  
Rent to be commenced in such



Courts, except  
in certain cases.

Sum for Rent due upon any Lease or Demise, or Agreement for a Lease or Demise, of any Lands, Houses, Tenements or Hereditaments in this Island, whereof the Area shall exceed One Acre of Land—whether in writing or by parol, or for Rent due as between Landlord and Tenant in respect of the Occupation of any such Lands, Houses, Tenements or Hereditaments—shall be commenced in any Court to be constituted under this Act, unless the Sum or Amount demanded cannot in any way be made the subject of a Distress, or is recoverable thereby, or unless, at the time of the commencement of such Action, or at some time within Seven days previous thereto, there shall not be or have been upon the Premises in respect to which the Rent or Sum is claimed or has accrued due sufficient Distress to countervail the Rent or Sum so claimed; or if more than half a Year's Rent be claimed, a sufficient Distress to countervail half a Year's arrears of the Rent or Sum so claimed; nor unless the Person or Persons desiring to Sue out a Summons for such Rent or Sum claimed, or his or their Agent, shall, previously thereto, make and subscribe an Affidavit, in the form prescribed in the Schedule to this Act annexed, marked (A), in the presence of and before the Clerk of the Court out of which the Summons may issue, in addition to any other Affidavit which may be otherwise required by this Act; and it shall be incumbent upon the Plaintiff or Plaintiffs in any such last mentioned Suits, upon the Trial thereof, to give Evidence of the Truth and Correctness of such Affidavit; and if it shall appear that the material averments contained therein are incorrect or untrue, it shall be lawful for the Court before whom the same shall be heard, and it is hereby required, to give Judgment of Nonsuit against the Plaintiff

Affidavit to be  
taken by Per-  
sons suing for  
Rent.

Evidence re-  
quired of the  
truth of such  
Affidavit.

If found incor-  
rect or untrue,  
Plaintiff to be  
Non-suited, &c.

or Plaintiffs, with payment of the Defendant's Costs, sustained by reason thereof.

IX. In all Actions brought before any Court as aforesaid, the Proceedings shall commence (except as hereinafter mentioned) by Summons, according to the form, in the Schedule to this Act annexed, marked (B), in which shall be stated, separately, the original Debt, as the immediate Cause of Action, and the amount of Interest (if any) sought to be recovered therewith, under the Hand and Seal of the Clerk— which Summons shall be served by any Constable or Bailiff of the Court out of which it issues, appointed as hereinafter mentioned, Eight days before the day named for Trial (exclusive of the day of Service); and such Service shall be by delivering the same to the Defendant in person, or, in case he cannot be found, then to the Wife, Child or other Person belonging to him, at his known place of abode (provided such Child or other Person be Sixteen Years old or upwards), and at the time of delivering the said Summons shall inform him or her to whom it shall be delivered of the meaning or purport thereof; and if the Defendant be an Inmate or Lodger, and cannot be found, or shall endeavour to evade Service, the service of the Summons shall be valid by delivering it to any Person of discretion as aforesaid, at the house or place where the Defendant lodges or resides, and at the same time telling him or her the meaning or purport thereof.

Actions, how commenced.

Form of proceeding.

Mode of Service of Summons.

X. If any Person residing in this Island shall be served with a Subpoena, in the form in the Schedule to this Act annexed, marked (C), under the Hand and Seal of the Clerk of any Court constituted under the authority and by virtue of this Act, requiring him, at a certain

Attendance of Witnesses, how secured.

*Neglect or refusal to obey Subpoena, how punished.*

time therein mentioned, to give Evidence between the Parties in any Suit in any of the said Courts, and at the same time shall have his Mileage tendered to him, and shall thereafter neglect or refuse to appear, as in such Subpoena required; and due Proof having been made of the Service thereof, and of such tender of Mileage, and no cause of absence having been shown to the satisfaction of the Court, and Oath having been made before it, by the Party at whose instance the said Subpoena issued, that the Person served therewith was a material Witness in the Suit; and it being also proved, to the satisfaction of the Court, that Damage had been sustained from the non-attendance of such Witness, then it shall and may be lawful for the said Court to give Judgment against such Person so neglecting or refusing to attend as aforesaid, for the amount of damages so sustained, not exceeding Twenty Pounds, together with Costs, and to order Execution against the said Offender, as in other cases after Judgment, as hereinafter directed—which Damages, when recovered, shall be paid over to the Party aggrieved by the said neglect or refusal.

*Judgment to be given against Offender.*

*Execution to issue, &c.*

*Damages to be paid to the party aggrieved.*

*Parties, Plaintiff or Defendant, may be examined on Oath or solemn Affirmation*

XI. For the better discovery of the Truth, and for the more solemn determination of all matters and causes pending in any Court constituted under this Act, on the Hearing or Trial of any Action, or on any other Proceeding under this Act in any such Court, the Parties thereto, and all other Persons, may be examined either by or on behalf of the Plaintiff, or by or on behalf of the Defendant, upon Oath, or solemn Affirmation, in those Cases in which Persons are by Law allowed to make Affirmation, instead of taking an Oath, to be administered by the Court or by the proper Officer thereof.

XII. Any Person who, in any Examination upon Oath or solemn Affirmation, before any Court to be constituted under this Act, shall wilfully and corruptly give false Evidence, shall be deemed guilty of Perjury.

False evidence,  
how punished.

XIII. If any Court constituted under this Act shall, for the better Administration of Justice, deem it proper to defer the hearing of any Cause, it is hereby authorised so to defer the same to such other day as may be appointed by the said Court.

Hearing of  
Cause may be  
deferred to such  
day as Court  
may appoint.

XIV. After the issuing of any Summons, the Clerk issuing the same shall have full power and authority to receive or take from the Defendant a Confession of the Debt or Demand for which he may have been sued—which said Confession, entered in Writing and signed by the Clerk, shall be conclusive against the said Defendant, and be made a Judgment of the Court,—in which case, it shall be the duty of the Defendant in such Suit to give Notice thereof forthwith to the Plaintiff.

Clerk of Court  
may receive  
Confession of  
Debt, &c.

Notice to be  
given to Plain-  
tiff.

XV. If any Defendant, duly summoned as aforesaid, do not appear before the Court at the time and place required by the said Summons, without some just cause, to be allowed by the said Court; and if the Plaintiff shall duly appear, then it shall and may be lawful for the said Court, after Proof of the due service of the said Summons, upon Oath of the Constable who shall have served the same, to hear the Cause on the part of the Plaintiff only, and to make such Order or Judgment, together with Costs, as to it shall seem most agreeable to Law, Equity and good conscience, as if the Defendant had duly appeared.

Defendant not  
appearing, court  
may hear Cause  
on part of plain-  
tiff.

Plaintiff not appearing, &c., or becoming Nonsuit, Court may award Costs, &c. to Defendant and his Witnesses.

Mode of recovery thereof.

Defendant entitled to Travelling Fees, &c., in cases of adjourned Hearings, when judgment shall be given against Plaintiff.

XVI. If, upon the day of the return of the Summons, the Plaintiff shall not appear without some just cause, to be allowed by the Court, or, upon appearing, shall not make Proof of his Demand to the satisfaction of the Court, but shall become Nonsuit, it shall and may be lawful for the said Court to award to the Defendant and his Witnesses, costs and Travelling Expenses, as allowed by this Act, and to issue Execution against the Plaintiff for the Recovery of the same, in the manner hereinafter prescribed: Provided nevertheless, that in all cases of adjourned Hearings, when Judgment shall be ultimately given against the Plaintiff, the Defendant shall be entitled to receive the same Costs for Travelling, and for each Attendance, if more than one, as are by this Act allowed to Witnesses.

Witnesses' costs—how paid.

XVII. It shall be lawful for the said Courts to order and direct that the Costs and Charges of Witnesses shall be paid by either Party, or apportioned as they in their discretion shall deem just and equitable.

Court may apportion Costs, or order Plaintiff to pay the same in certain cases.

XVIII. If, on the hearing of any Suit before any Court as aforesaid, it shall be proved that the Defendant had never, before the issuing of the Summons, been furnished with an Account of the Plaintiff's demand, and that the said Account had been by the Defendant demanded of the Plaintiff at his place of residence, but that the Action was vexatiously brought, then it shall and may be lawful for the said Court, in its discretion, to apportion the Costs as it shall see fit, or to order the Plaintiff to pay the whole of the said Costs, or any part thereof, and to give Judgment only for such Sum as is sufficiently proved to be due on either side.

XIX. In any case where Wages, not exceeding the Sum of Twenty Pounds, shall be due to any Domestic or other Servant under the age of Twenty-one Years, neither of whose Parents reside within this Island, it shall be lawful for the said Servant to sue for and recover the said Wages before any of the said Courts, in the same manner as if he or she were of full age; and the said Courts are hereby fully authorized and required to take cognizance of and proceed concerning the same in the same manner, in regard thereto, as if the Plaintiff were of full age.

Wages of Servants under 21 years of age, when amount does not exceed £20, how recovered.

XX. On any Trial, the Defendant shall be allowed to set off any Account or Demand which he may have against the Plaintiff, for which, if not exceeding Twenty Pounds, the Court may determine and give Judgment; and if the Court shall find that the Plaintiff is indebted to the Defendant, Judgment shall be rendered in favor of the Defendant for the Amount found due, with Costs; but if the amount of the Defendant's Set-off shall exceed the Sum of Twenty Pounds, the Court shall proceed to hear Evidence in support thereof; and if they shall find that such Set-off is *bona fide* and good, and that the Plaintiff is indebted to the Defendant, then the Court shall dismiss the Plaintiff's Case, and give Judgment thereupon for the payment of Defendant's Costs by the Plaintiff.

Defendant may make Set-off, if not exceeding £20.

Judgment may be rendered in favor of Defendant.

Defendant's Set off exceeding £20, Court may hear evidence, dismiss Plaintiff's case, and give Judgment for Defendant's Costs, &c.

XXI. If any Defendant refuse or neglect to bring forward his Set-off (if any such there be) against the Plaintiff, at the time of Trial, he shall ever after be precluded from recovering the same; and if any Suit for the recovery thereof be brought, it shall be a sufficient Defence on the Trial thereof that the De-

Defendant refusing to make Set-off on Trial, precluded forever from recovering the same

Unless prevented from doing so by unavoidable circumstances.

mand sued for could have been, on a former Trial, set-off and recovered: Provided always, that nothing herein contained shall extend, or be construed to extend, to prevent any Defendant from sustaining his Action, when it shall be made to appear, to the satisfaction of the Court, that from some unavoidable circumstance he was precluded from proving his Set-off on the former Trial.

Time may be granted to Defendant to satisfy Judgment.

XXII. If any Defendant against whom any Judgment shall be given shall appear to the Court who shall have given the same to be deserving of Indulgence, then and in such case the said Court is hereby empowered to grant such Time for the payment of the Judgment as shall seem reasonable, or by Instalments, if the Court shall see fit: Provided the Time so granted shall not exceed Three Months, in cases where the Judgment shall not exceed Eight Pounds; and Four Months, in cases where the Judgment shall exceed Eight Pounds—said Indulgence to be computed from the day of the Return of the Summons: and provided also, that the said Defendant so indulged shall, within such time as the Court may order, give sufficient Security, by Recognizance, in the form prescribed in the Schedule to this Act annexed, marked (D), to pay the amount of the Judgment within the time limited therefor.

Indulgence to be so given.

Defendant to give Security for payment within time limited.

Form of Recognizance.

Mode of proceeding, where amount of judgment shall not be paid.

XXIII. If the amount of the Judgment shall not be paid at the expiration of the time so granted, then the Party entitled to recover shall have Execution against the Principal named and Sureties in such Recognizance, as in other cases after Judgment: Provided such Sureties have Ten Days' Notice, previous to the issue of such Execution—which Notice shall be issued by the Clerk of the said Court.

XXIV. Every Bailiff, Constable or Officer, executing any Process of Execution issuing out of any Court under this Act against the Goods and Chattels of any Person, may, by virtue thereof, seize and take any of the Goods and Chattels of such Person (excepting the Wearing Apparel and Bedding of such Person or his Family, and the Tools and Implements of his Trade to the value of Five Pounds, which shall, to that extent, be protected from such seizure), and may also seize any Money and Bank Notes (whether of the Bank of England or any other Bank), Treasury or Government Notes or Securities (whether of Prince Edward Island or any other Government), and any Cheques, Bills of Exchange, Promissory Notes, Bonds, Specialties or Securities for Money, belonging to any such Person, against whom any such Execution shall have issued as aforesaid.

Powers of Bailiffs, Constables, &c.

XXV. The Clerk of the Court out of which any such Execution shall have issued shall hold any Cheques, Bills of Exchange, Promissory Notes, Bonds, Specialties or other Securities for Money, which shall have been so seized or taken as aforesaid (and which shall be delivered over to him by the Constable or Bailiff making such seizure thereof), as a Security or Securities for the Amount directed to be levied by such Execution, or so much thereof as shall not have been otherwise levied or raised for the benefit of the Plaintiff; and the Plaintiff may Sue in the name of the Defendant, or in the name of any Person in whose name the Defendant might have Sued, for the Recovery of the Sum or Sums secured or made payable thereby, when the time of Payment thereof shall have arrived.

Clerk of Court to hold cheques, &c., seized by Constable or Bailiff, as security for amount not otherwise levied or raised.

Plaintiff may sue in name of Defendant, &c. for Sums made payable thereby.

XXVI. Any Court to be constituted under this Act may, in any case, with the Consent of

Court, with consent of both



parties, may order Suit to be referred to Arbitration of such Parties as Court may think just, &c.

Such reference not revocable by either Party, without consent of Court.

Award of Arbitrators to be entered as the Judgment, in the Cause.

Reserves right of Appeal to either party.

both Parties to the Suit, order the same, with or without other matters within the Jurisdiction of the Court in dispute between such Parties, to be referred to Arbitration to such Person or Persons, and in such manner and on such terms as the Court shall think just and reasonable ; and such reference shall not be revocable by either Party, except by consent of the Court ; and the Award of the Arbitrator or Arbitrators, or Umpire, shall be entered as the Judgment in the Cause, and shall be as binding and effectual, to all intents, as if given by the Court : Provided nevertheless, that the same Right of Appeal from any Judgment to be entered on any such Award shall be had by the Plaintiff or Defendant in any Suit referred under the Provisions of this Clause, as in other case under this Act.

Person aggrieved by any Order or Judgment of Court, may appeal to Supreme Court.

Appeal to be applied for within six days after Judgment.

Mode of procedure on such Appeal.

Form of Recognizance.

XXVII. If any Person shall consider himself aggrieved by any Order or Judgment of any of the said Courts, he shall be at liberty to Appeal to the then next Sitting of Her Majesty's Supreme Court of Judicature, to be holden in the County where such Court is situated : Provided always, that such Appeal shall be applied for within Six clear Days next after the day of giving the said Order or Judgment ; and the Clerk, on application, is hereby required to enter such Application : And provided also, that the Party or his Agent applying for the same shall, before the expiration of the said Six Days, by himself or his Agent, enter into Recognizance, with Two sufficient Sureties, in the form in the Schedule to this Act annexed, marked (E), to abide the determination or Judgment of the Chief Justice, or other Justices of the said Supreme Court ; and he or his Agent shall make and subscribe an Affidavit, in the form or to the purport and effect (being altered so as to meet the particular circumstances of each Case) prescribed in the Sche-

dule to this Act annexed, marked (F), in the presence of said Clerk.

Form of Affidavit.

XXVIII. At the time of taking the said Recognizance, the Clerk before whom the same shall be taken shall cause the Parties entering therein to sign a Condition thereto, in the form in the Schedule to this Act annexed, marked (G); and the said Clerk is hereby required to cause the same to be read over to or repeated by the said Parties entering into such Recognizance, before signing the same—which Condition shall be contained on the same piece of paper as the Recognizance to be annexed thereto, and shall, as well as the Recognizance, be attested by the Clerk, and, together, transmitted to the Supreme Court, as hereafter provided for.

Recognizance, &c., to be signed by Parties entering therein.

Form of Condition.

Condition and Recognizance to be written on the same piece of paper, attested by the Clerk, and transmitted to Supreme Court.

XXIX. The Appellant or his Agent shall also cause to be duly served upon the Party Respondent or his Agent, Ten clear Days, at least, before the Sitting of the Supreme Court at which the said Appeal shall be heard, a written Notice of Appeal, in the form prescribed in the Schedule to this Act annexed, marked (H).

Notice of Appeal to be given to Party Respondent.

Form of Notice.

XXX. The said Clerk is hereby required to file the said Affidavit, with the Recognizance and other Papers connected with the said Appeal, and to transmit the same into the Clerk's Office of the said Supreme Court within the County wherein the Case may have been heard, at least Four days before the sitting thereof, under a Penalty, for each and every neglect, of the sum of Five Pounds, to the person aggrieved thereby, to be recovered in the said Supreme Court.

Affidavit, &c., to be filed in the Office of the Clerk of the Supreme Court.

Penalty for neglect.

XXXI. The Chief Justice, or other Justices for the time being of Her Majesty's Supreme

Chief Justice, &c., may cause

all defects of form in original Order or Judgment to be rectified, &c.

and may proceed to hear and determine Appeal.

Judgment, how to be given, & Costs awarded.

Court of Judicature, is and are hereby empowered and required, upon any Appeal made as aforesaid to the said Supreme Court, to cause all defects of form that may appear in the original Order or Judgment to be rectified and amended, without Costs or Expense to the party concerned; and after such amendment shall have been made, to proceed to hear, examine and consider the Truth and Merits of all matters concerning the said Appeal, and the original Order or Judgment appealed from, and likewise to examine the Witnesses and Parties upon Oath, (being only such Witnesses and Parties as were Sworn or offered to be Sworn, or were Subpoenaed to give Evidence, and from some unavoidable cause were prevented from attending before the Court below), and to hear all other Proofs relating thereto, and to make such final determination thereupon as shall appear just and reasonable; and if, by the consideration of the said Supreme Court, the original Order or Judgment shall be affirmed, and the Appeal therefrom dismissed, if against the original Defendant, then the said Supreme Court shall adjudge the Sum or Sums awarded to the original Plaintiff to be paid to him, together with the Costs allowed by the Court of Commissioners, as also the full Costs of defending against the said Appeal; and in case the said Supreme Court shall affirm the Order or Judgment, when against the original Plaintiff, and dismiss his Appeal, then the said Supreme Court shall adjudge the Sum or Sums so awarded to the original Defendant to be paid to him, together with the full Costs for defending against the Appeal; and in case the said Supreme Court shall affirm the Judgment or Order below, when in favour of the Plaintiff therein, in cases where the Plaintiff himself is the Appellant, and dismiss the Appeal, then the Court

shall award to the Defendant the full Costs of defending against the Appeal, and the same shall be set off against the Judgment and Costs below; and if the Costs of the Appeal amount to more than the Judgment and Costs below, then Execution out of the said Supreme Court may issue against the Appellant for the excess; but if the Judgment below and the Costs amount to more than the Costs of defending the Appeal, then Execution may issue out of the Commissioners' Court against the Respondent for the excess thereof; and if the said Chief Justice or other Justices, upon a full hearing of any such Appeal, shall set aside the Order or Judgment of the Court of Commissioners, then it shall and may be lawful for the said Chief Justice or other Justices to adjudge and order Costs to the Appellant; and upon all final Determinations or Judgments, Execution is hereby directed to be issued from the said Supreme Court for the Sum or Sums so recovered; and in case such final Determination or Judgment of the Supreme Court shall happen to be in favour of the Respondent, then he may have Execution against the Appellant and his Goods and Chattels; or, in the event of a breach of the Condition of their Recognizance, then against the Sureties and their Goods and Chattels: Provided, that Execution shall not, in any case, issue against the Persons or Property of any such Sureties, unless the amount of the Judgment and Costs shall have been demanded of them by some Person duly authorised at least Ten clear Days before the issuing of such Execution against them, nor unless a written Notice, specifying the breach or breaches made of the Condition of their Recognizance, and on account of which such demand is made, shall, at the time of making the demand, be served on the Sureties; nor until the Affidavit of such de-

Mode of proceeding, where Costs amount to more than the Costs and Judgment below.

Mode of proceeding, where Judgment and Costs below amount to more than the Costs of defending Appeal.

Supreme Court may order Costs to Appellant in certain cases.

Executions, on all final determinations, to issue out of Supreme Court.

Mode of procedure, when final determination shall be in favor of Respondent.

No Execution to issue against Sureties, until certain formalities have been complied with.

Sureties may apply to a Judge of the Supreme Court, who shall make such order therein as may seem just and equitable.

Party making demand, entitled to charge therefor, &c.

In what cases it shall be lawful to issue Execution.

Form of Execution.

Mode of procedure under Execution.

mand having been duly made, and such Notice having, at the same time, been duly given, shall be filed with the Prothonotary of the said Supreme Court, or either of his Deputies in the County: And if any such Sureties shall contend that no breach has been made of the Condition of their Recognizance, they or either of them may, at any time within the said Ten clear Days after such demand made and Notice given, apply to a Judge of the Supreme Court of Judicature, or the said Court in Term time, who, on hearing them and also the Respondent on Affidavits, may make such Order therein, respecting the issuing of any Execution or withholding or suspending the same, with or without the Costs of the Application, as to such Judge or Court shall seem just and equitable; and the Party making the demand, or causing the same to be made, shall be entitled to charge therefor and to levy under any Execution to be issued the same Mileage as Constables or Bailiffs may by this Act receive, together with Two shillings and six-pence for making and filing the said Affidavit of such Demand and Notice having been duly made and given.

XXXII. In case there be no application for an Appeal as aforesaid, or that the Party applying for the same shall not enter into the Recognizance and make the said Affidavit, as before directed, within the time aforesaid, or that there be no indulgence granted as aforesaid, then it shall be lawful for the Clerk of the Court who gave the Judgment to issue Execution, in the form prescribed in the Schedule to this Act annexed, marked (I), upon the request, either verbally or in writing, of the Party entitled to the same; and the Constable or Bailiff who shall be by him entrusted with the Execution shall be and he is hereby authorised and

required, after having given at least Six Days' Notice, in at least Three public Places, to levy, by Distress and Public Sale of the Goods and Chattels of the Debtor, the Sum of Money mentioned in the Writ of Execution, with Poundage when the same are sold, and other Fees allowed by this Act in such cases; and for want of sufficient Goods and Chattels whereon to levy, then, and in such case only, the said Constable is hereby authorised and required to arrest the Body of the Debtor, and take him to the Common Jail in the County wherein he shall be arrested, there to remain, if the amount of Levy shall not exceed Forty Shillings, for the space of Two Months; and if above Forty Shillings, and not exceeding Three Pounds, for the space of Three Months; and if above Three Pounds, and not exceeding Five Pounds, for the space of Four Months; and if above Five Pounds, and not exceeding Eight Pounds, for the space of Six Months; and if above Eight Pounds, for the space of Eight Months, (each of said Imprisonments to be computed from the Day on which the Debtor was first committed); and after any of the said Imprisonments, in cases where the Debt does not exceed Ten Pounds, the Debtor shall be freed and discharged from such Imprisonment, and also altogether from the Debt and Costs, for which it has taken place; and in cases where the Debt exceeds Ten Pounds, then, after such Imprisonment as aforesaid, the Debtor shall be freed and discharged therefrom, and from Ten Pounds of the Debt for which such Imprisonment has taken place; but nevertheless the Goods and Chattels of such Debtor, whether present or acquired after his discharge from Imprisonment, shall still remain liable to be taken in Execution for the Balance or Surplus of the Debt over the Sum of Ten Pounds so discharged as aforesaid,

Body of Debtor may be arrested, &c., in certain cases.

Terms of imprisonment.

After such imprisonment, Debtor freed from the whole Debt and Costs, in certain cases.

Where Debt exceeds £10, Debtor freed from £10 thereof.

Goods and Chattels of Debtor still liable to be taken in Execution for Balance of Debt and Costs.

Plaintiff entitled at any time to take out Execution for such amount.

Person of Debtor to be free from arrest in such cases.

Execution issued in one County may run into County where Debtor may reside, &c.

Mode of procedure in such cases.

Party suffering one year to elapse without suing out Execution, to make Affidavit as to sums paid on Judgment, &c.

and Costs; and the Plaintiff in any such last-mentioned case, shall be entitled, at any time thereafter, to take out Execution or *alias* Executions, against the Goods and Chattels of the Defendant, for the amount of such Balance or Surplus and Costs, so always that the Person of any such Debtor or Defendant so having suffered Eight Months' Imprisonment, as aforesaid, shall be freed and discharged from Arrest upon the Judgment under which he has suffered Imprisonment, or in any Action or Proceeding upon such Judgment.

XXXIII. It shall and may be lawful for the usual Writ of Execution for the Recovery of Small Debts issued in one County to run into another County where the Debtor may reside, or where his Goods and Chattels may be found; and it shall be lawful for the Constable or Bailiff to execute such Execution within such County; and he is hereby authorized to convey the Debtor to the Jail of the County in which he may be found, (unless the Debtor shall elect to be imprisoned in the Jail of the County in which the Execution issues); and the Keeper of the Jail of such County is hereby authorised and required to receive and take the Body of such Debtor into his custody—anything in this Act contained to the contrary thereof notwithstanding.

XXXIV. If any Party who may have obtained a Judgment in any of the Courts by this Act constituted shall suffer One Year to elapse without having sued out Execution, he shall be required to make an Affidavit, before the Clerk of the said Court, stating if any and what Sum or Sums have been paid on said Judgment, after which he shall be at liberty to sue out

Execution for the amount then remaining due and unpaid thereon.

**XXXV.** Where an Execution is entrusted to any Constable or Bailiff appointed to any Court constituted under this Act, such Constable or Bailiff shall return the same into the Court out of which it issued, within the period therein named for making the Return, and deposit the same with the Clerk of such Court; or, in case of Imprisonment of the Debtor thereunder, shall make a Return in Writing of Proceedings on such Execution to the Clerk of said Court forthwith.

Constable to make return of Execution within the period named therein.

In case of imprisonment of Debtor, return how made.

**XXXVI.** A Party obtaining a Judgment in any of the said Courts as aforesaid, and having reason to believe that the Person against whom the same has been given is about to leave this Island before the expiration of Forty-eight hours thereafter, may demand Execution forthwith, on an Affidavit by himself or his Agent being made, in the form in the Schedule to this Act annexed, marked (J).

Mode of proceeding when Debtor is about leaving this Island.

Form of Affidavit requisite in such cases.

**XXXVII.** It shall and may be lawful for, and it shall be the duty of, each and every of the Courts of Commissioners for the Recovery of Small Debts to be constituted under this Act to nominate and appoint a sufficient number of Persons to be Bailiffs or Constables of such Court, not being less than Three for each Court, to serve the Processes and to enforce, levy and carry out the Orders, Judgments, Executions, and other Proceedings of the Court; and it shall be required from every such Constable or Bailiff, before entering on the Duties of his Office, or being authorised to act in such capacity, to enter into a Bond, with Two sufficient Sureties, to the Court by which he is appointed, and in

Each Court to appoint not less than three Bailiffs.

Duties of Bailiffs so appointed.

Bailiffs to give Bond, &c., for due performance of their duties, &c.



their names as Commissioners of such Court, and to their Successors in Office, for the due performance of the Duties of his Office, and for the due Return of all Writs to him entrusted into the said Court, and for the due payment of all Moneys coming into his hands, by virtue of his said Office, to the respective Parties entitled thereto, or into the said Court, at the respective Returns of the said Writs—which Bond shall be in the form in the Schedule to this Act annexed, marked (K), and shall be in a Penalty not exceeding One hundred Pounds, nor less than Twenty Pounds, at the discretion of the said Court; and which Bond shall be deposited with the Clerk of such Commissioners' Court, and by him lodged in the Office of the Prothonotary of the Supreme Court, or his Deputy in the County wherein such Court may be situate.

Form of Bond.

Penalty.

Bond to be deposited with Clerk of Commissioners' Court, who shall lodge the same in Prothonotary's Office.

Courts may dismiss any Bailiffs or Constables of such Courts, and appoint others in their stead.

Bailiffs, &c., so dismissed, to perfect any unfinished business in their hands.

Bond good and valid until such duties are fully discharged.

XXXVIII. Each of said Courts shall, at all times, have the power of dismissing and discharging from further Service in such Court any Bailiff or Constable so appointed, and of appointing another Person in his place; and any Constable or Bailiff so dismissed or discharged shall have power, and he is hereby authorised, to perfect and complete any Business in his hands which has been commenced and is not completed at the time of such Discharge; and for the due and faithful exercise and performance of his Duty therein, the said Bond shall, and it is hereby declared to be, good and valid against such Constable or Bailiff and his Sureties, until such Duties are fully and finally performed and discharged.

Constable, &c., suffering Prisoner to escape, subject to a Fine of £5.

XXXIX. If any Constable or Bailiff shall suffer any Prisoner in his custody, by virtue of an Execution issued under the authority of this Act, to escape, either voluntarily or negligently,

or who shall be shown to have neglected to apprehend any Person against whom any such Execution has been placed in his hands, or who shall neglect or refuse, without delay, to pay over to the Party entitled to receive the same any Sum or Sums of Money levied or received thereon, on demand made, within Thirty Days from the date of the Execution, shall be liable to pay a Fine of Five Pounds, over and above the full amount of the Sum or Amount of such Execution, to be recovered before the Court by whom such Execution was issued, by Execution or Warrant of Distress of the said Bailiff's or Constable's Goods and Chattels; and if no sufficient Distress of the said Goods and Chattels can be found whereon to levy the same, (return thereof being made), then, upon Certificate of such Return, under the hand of the Clerk of the Court, and upon Affidavit of Demand having been made upon the Sureties named in the said Bond, and filed with the Clerk of the Court, it shall and may be lawful, Twenty Days thereafter, for the said Clerk to issue Execution against the said Sureties, for the Debt, Penalty and Costs of the said original Execution or Warrant of Distress, against the said Constable or Bailiff, together with Mileage for making such demand, and the Fees of the said Clerk for taking such Affidavit, and issuing such second Execution; and if no sufficient Goods be found to satisfy such Execution, then the said Court is hereby authorised to commit both the Constable or Bailiff and his Sureties to the common Jail of the County wherein such Court has Jurisdiction, for a period not exceeding Six Months.

Mode of recovery of Fine, &c.

**XL.** In case any such Constable or Bailiff, having given such Bond as aforesaid, shall abscond or be absent from the Island, so that no

Constable, &c., absconding, a Summons may be issued in the

name of the  
party aggrieved,  
against the  
Sureties of such  
Constable, &c.

Summons or other Process can be legally served on him for any default or neglect of duty or refusal to perform his duty under this Act, proof being made by Affidavit, to the satisfaction of the Court to which he belongs, or any of the Commissioners thereof, that the said Constable or Bailiff is absconding, so that no Summons can be legally served on him, or absent from the Island, then and in such case it shall and may be lawful for such Court to issue a Summons, in the name of the Party aggrieved, against the Surety or Sureties of the said Constable or Bailiff in the said Bond, and to adjudicate against such Surety or Sureties respecting any matter or claim arising out of the default or neglect of Duty, or for every refusal of the said Constable or Bailiff to perform his Duty, for which the Surety or Sureties is or are liable under the said Bond, and to issue Execution or other Process against the said Surety or Sureties, as the said Court is or may be by Law authorised to do in case the said Constable or Bailiff was not absconding or absent as aforesaid, (and no sufficient Distress of his Goods or Chattels could be found); and in the event of the Plaintiff or Plaintiffs being nonsuited, or of a Judgment being given by the said Court in favor of the Surety or Sureties, the said Court is hereby authorised to issue Execution against him or them in favour of such Surety or Sureties, in the same way and manner as Execution can or may be issued against any Plaintiff and Defendant under this Act.

Mode of proceeding, in case of Nonsuit.

Constable, &c., neglecting to make due return within the prescribed period, how punished.

**XLI.** If any Constable or Bailiff who shall be charged with the service of any Process issued by any Court constituted by this Act, and made returnable within a certain and defined period of time, shall neglect to serve or execute such

Process, or shall refuse or neglect to make due Return thereof within the period prescribed therefor, it shall and may be lawful for the said Court to impose on such Bailiff or Constable, a Penalty not exceeding Twenty Shillings for the First Offence, and a Penalty not exceeding Forty Shillings for the second and each subsequent Offence, together with Costs; and such Bailiff or Constable shall also be liable to the Party aggrieved for the amount of any Loss sustained by such neglect or refusal.

Penalty for first offence.

Penalty for subsequent offence.

Constable, &c., liable to party aggrieved, for loss sustained.

XLII. Each of the said Courts, at the Monthly Sitting thereof, shall have Power to call for the Return of all Convictions, Executions and other Processes returnable since the last Sitting Day of the said Court, and to proceed against the Constable or Bailiff to whom the same have been respectively entrusted for the neglect or refusal to return them as by this Act is directed; and no Execution returned in the said Court shall be renewed; but in all cases where the same has not been satisfied, an *alias* Execution may be issued, at the Plaintiff's or Defendant's (as the case may be) request, for the Amount due on the said Judgment.

Courts may call for return of all Convictions, &c. monthly.

No Execution returned into Court shall be renewed; but an *alias* Execution may be issued.

XLIII. If any Bailiff or Constable shall be removed by Order of any such Court as aforesaid, he shall, within Thirty Days after such removal, deliver over to the Clerk of the Court to which he belongs a true and faithful Account of all Business in his hands, together with all Sums of Money, Papers, Documents, Books and other things which he may have received on account of any Process or Execution with which he may have been entrusted; and if such Bailiff or Constable, so removed, shall fail to make such delivery over within the time aforesaid, he shall forfeit and pay, to each Party thereby ag-

In case of removal, Bailiff, &c., to deliver to Clerk an account of all business in his hands, &c.

Penalty for neglect.

grieved, a Fine or Penalty of Five Pounds, over and above the amount of all Sums due from him, and all Papers, Books and Documents, or other things retained, or the value thereof.

Suits against Constables, &c., to be instituted inname of party aggrieved.

**XLIV.** All Suits against any Constable or Bailiff, not absconding or absent as herein before mentioned, or against his Surety or Sureties, under and by virtue of this Act, shall be instituted and conducted in the name of the Party or Parties aggrieved.

Constable's or Bailiff's Sureties allowed to withdraw on certain conditions.

**XLV.** The Sureties for a Constable or Bailiff in any Bond, or either of them, shall, at any time, be allowed to withdraw from being Sureties or Surety for such Constable or Bailiff as aforesaid, on giving Notice, in Writing, under their or his hands, stating their or his desire to be relieved from being Sureties or Surety to the Clerk of the Court under this Act to which the Constable or Bailiff belongs; and the said Surety or Sureties shall not be liable on any fresh Writs, Executions, or other Process issuing out of the said Court, which, after the due delivery of such Notice, may be placed in the hands of such Bailiff or Constable; but the said Bailiff or Constable shall, nevertheless, have power, and he is hereby authorised, to perfect and complete any Business in his hands which may have been commenced, but not completed, at the time of such Notice as aforesaid; and for the due and faithful exercise and performance of his Duties therein, the said Bond shall, and it is hereby declared still to be good and valid against such Constable or Bailiff and his Sureties, until such Duties are fully and finally discharged and performed, notwithstanding such Notice of Withdrawal as aforesaid: Provided always, that if such Constable or Bailiff shall be able to find new Sureties or a new Surety in any

Sureties not liable on any fresh Writs.

Empowers such Bailiff, &c., to perfect business in his hands; for the due performance of which, said Sureties shall be still liable.

Permits Bailiff, &c., to find new Sureties, &c.

such Bond as aforesaid, the Court may, if they think proper, reappoint him a Constable or Bailiff of the Court, on his entering into a fresh Bond with such new Sureties or Surety.

XLVI. No Attorney or Counsel of the Supreme Court shall be allowed to speak on behalf of any Plaintiff or Defendant in any Court constituted under this Act, unless such Plaintiff or Defendant be absent from this Island, and such Attorney or Counsel shall be his authorised Agent therein: Provided always, that nothing herein contained shall prevent or be construed to prevent any Person duly authorised, other than an Attorney or Counsel of said Supreme Court, from appearing on behalf of any Corporate Body, in any Cause or Matter, before any Court constituted by this Act, in which such Corporate Body may be concerned, either as Plaintiff or Defendant; but if the only authorised Agent of such Corporate Body in this Island shall be an Attorney or Counsel as aforesaid, then he may appear for such Corporate Body.

Prohibits Attorneys, &c., of Supreme Court from being heard on behalf of either Plaintiff or Defendant, except in cases of absence, &c.

Corporate Bodies, how represented.

XLVII. When it shall so happen that any Witness, who may be considered necessary to be produced on the Trial of any Cause under the Provisions of this Act, is obliged to leave this Island, it shall and may be lawful for any Commissioner, after due Notice in Writing to the adverse Party to be present, if he shall see fit, to take the Deposition of such Person obliged to leave this Island as aforesaid; and such Deposition, so taken and certified, under the Hand and Seal of the said Commissioner, and directed to the Court wherein such Suit or Action may be pending, shall be received as legal Evidence in said Suit: Provided, that Proof shall be first made, on Oath, that due

Mode of procedure when Witness is obliged to leave this Island.

Depositions of such party may be received as legal evidence.

Proof of Notice, &c., to be first made.

written Notice was given to the adverse Party of the time and place of taking such Deposition, at least Three Days previous to the day appointed for taking such Evidence; and provided also, that if such Witness shall, at the time of the Trial of the Suit, be on this Island, and able to travel, he shall be required to give his Testimony *viva voce* at said Trial, in the same manner as if the Deposition had not been taken.

XLVIII. And whereas it is necessary to give to the Courts to be constituted by this Act the power of adjudicating when the Debtor has absconded: Be it therefore enacted, That it shall and may be lawful for the Clerk of any of the said Courts of Commissioners, upon application made to him, on Oath, in the form prescribed in the Schedule to this Act annexed, marked (L), in cases where the Debt shall not exceed Twenty Pounds, to issue an Attachment, in the form prescribed in the Schedule to this Act annexed, marked (M); and any Bailiff or Constable of such Court, or of any other Commissioners' Court for the County wherein such Court whence the Attachment shall issue shall be held, may thereupon attach the Goods and Chattels of the absconding or absent Debtor, in whatsoever County found, to the amount of the Debt and probable Costs of Suit, and secure the same to be forthcoming to satisfy the Execution which may issue in the Cause, with all Costs thereon, unless such Goods and Chattels shall be forthwith released, on Security being given as hereinafter prescribed and allowed; and the Bailiff or Constable shall, at the time of making Attachment, deliver to the Wife or other Agent of the Debtor in whose charge or custody such Goods or Chattels may then appear to be, or serve in like manner as a Summons for a Small

Absconding Debtors, how proceeded against.

Form of application.

Form of Attachment.

Bailiff, may attach Goods, &c., of such Debtor, wherever found, and secure the same, unless released on Security being given.

Bailiff, to deliver to Wife, &c., a Notice.

Debt a Notice, in the form prescribed in the Schedule to this Act annexed, marked (N), that he may inform his or their Principal of the proceeding, or attend at the hearing of the case, and assert any claim he may have, if he shall see fit; and such Attachment and Notice, being duly returned to the Court whence such Attachment shall have been issued, shall be sufficient to warrant the said Court in hearing the case at its next sitting; and the Court shall thereupon proceed to try the cause and give Judgment therein: Provided always, that any Person in whose hands or possession any Property may be attached as aforesaid shall be at liberty to retain possession of the same, upon giving Security, by himself or herself, and one or more sufficient Sureties, to the satisfaction of the Officer making the Attachment, to the fair apparent value, in his opinion, of the Property attached, and in the form prescribed in the Schedule marked (O), to this Act annexed, that the Articles shall be forthcoming, or the value thereof paid on demand, if requisite, to satisfy the Judgment which may afterwards be given: And in case Judgment shall be given for the Plaintiff, then, after the expiration of Three Months, Execution may issue against the Property so attached; and in case the same, or any part thereof, be not forthcoming, then against the proper Goods and Chattels of the Sureties, to levy the Sum for which they shall have become bound as aforesaid, with costs of demand and Execution; and in default thereof, against their Persons, as in cases of Execution against Defendants for Small Debts, unless such Sureties shall comply with their Obligation, given as aforesaid—the non-compliance to be first ascertained, on Affidavit made before and filed with the Clerk of the Court wherein such Judgment shall have been given.

Form of Notice.

Attachment and notice being returned to Court, Court may proceed to hear the Case, and give Judgment thereon.

Person allowed to retain possession of Property on giving Security for the value thereof.

Form of Bail.

Mode of procedure, when judgment shall be given for Plaintiff.



Wife, Agent, &c.  
of Absconding  
Debtor, may be  
summoned be-  
fore Court, in  
certain cases.

Form of Oath of  
Applicant.

Form of Sum-  
mons.

Duty of Court,  
in such cases.

Form of Attach-  
ment.

Wife, Agent, &c.  
at liberty to re-  
tain Possession  
of Property, on  
giving security,  
&c.

**XLIX.** Where no Goods, Chattels or Effects of such absent or absconding Debtor, in the hands or under the management of his Wife, Agent or other Person, shall be exposed to view or can be come at, so as to be attached, then it shall and may be lawful for the Clerk of any of the said Courts of Commissioners, on application being made to him for that purpose, and on Oath being also made in the same manner as in the last preceding Clause mentioned, being in the form prescribed in the Schedule to this Act annexed, marked (L), in cases where the Debt shall not exceed Twenty Pounds, to issue a Summons, in the form prescribed in the Schedule to this Act annexed, marked (P), to be served on the Wife, Agent or other Person in whose hands or under whose controul, although not exposed to view, it may be thought some of the Goods, Chattels or Property of the absent or absconding Debtor are, requiring such Wife, Agent or other Person, to appear before the said Court, to answer the Plaintiff; and the said Court shall proceed to try the cause, and give Judgment therein; and if, on the examination of the said Wife, Agent or other Person, any Goods, Chattels or Property of the absent or absconding Debtor shall be discovered to be in his or her hands or power, then the said Court shall issue an Attachment against the same, in the form in the Schedule to this Act annexed, marked (M), to be executed by any Constable or Bailiff, as in the last preceding Clause of this Act mentioned, or make such Order on the said Wife, Agent or other Person, to surrender and deliver up the same, as to the said Court may seem proper: Provided always, that such Wife, Agent or other Person, may be at liberty to retain possession of such Property on giving Security, by himself or herself, with one or more Sureties, to the satisfaction of the

Court, to the fair apparent value of the Property so in his or her hands, in the form in the Schedule to this Act annexed, marked (Q), that the Articles shall be forthcoming, or the value thereof paid on demand, if required, to satisfy the Judgment given: And in case Judgment be given for the Plaintiff, then, after the expiration of Three Months, Execution may issue against the Property so discovered to be in the hands or power of the said Wife, Agent or other Person; and if the same be not forthcoming, or any part thereof, then against the Goods and Chattels of the Sureties and their Persons, in the same manner as pointed out in the last preceding Section of this Act; and provided always, that when any Moneys shall be discovered in the hands or power of such Wife, Agent or other Person, as aforesaid, or any valuable Securities or Effects, and not by Law saleable under Execution, then it shall and may be lawful for such Court of Commissioners to make and enforce such Order, touching the disposal of such Moneys, Securities or Effects, for or towards satisfaction of the Debt and Costs sued for, as such Court shall deem just and reasonable.

L. Any absent or absconding Debtor against whom any Judgment shall or may be awarded, under the two last preceding Clauses of this Act, shall be entitled to a rehearing of the cause, at any time within Twelve Months next after Judgment; and the Plaintiff in such Action shall, before he shall be entitled to his Execution, give sufficient Security, to the satisfaction of the Court, in the form prescribed in the Schedule to this Act annexed, marked (R), for the repayment of all such Moneys as shall be levied by the said Execution, in case the Judgment be reversed on such rehearing as

Form of Recognition for the forthcoming of Goods.

Three months after Judgment given for Plaintiff, Execution may issue.

Mode of procedure where Goods, &c., are not forthcoming.

When money or any unsaleable property shall be discovered in the hands of Wife, &c., Court to make an Order touching the disposal thereof.

Absent or absconding Debtor entitled to a rehearing of Cause within twelve months.

Plaintiff, before being entitled to Execution, to give security for repayment of moneys levied thereunder.

Form of Recognition of Plaintiff.

aforesaid—anything in this Act contained, to the contrary, notwithstanding.

Agent, Wife,  
&c., of absent  
Debtor neglect-  
ing to obey  
Summons, or  
refusing to be  
sworn, &c., how  
punished.

LI. Any Person who shall have been duly summoned as the Agent, Wife, Factor or Trustee of an absent or absconding Debtor, as herein before provided for, and who shall neglect to attend the Court of Commissioners as such Summons may require (without cause to be allowed by the Court), or shall, when before the Court pursuant to such Summons, refuse to be sworn and examined touching the matters in question, to the satisfaction of the Court, such person shall be forthwith committed to the Jail of the County in which such Court shall be held, there to remain until he or she shall comply with the terms of the Summons so served upon him or her, and pay the Costs of his or her contempt.

No sum due on  
contract, not  
exceeding £10,  
to be sued for in  
any Court of  
Record.

When Plaintiff  
shall obtain a  
verdict for less  
than £10 in any  
Court of Record,  
Chief Justice,  
&c., may certi-  
fy reasonable  
cause of Action  
for more than  
£10.

LII. No Action or Suit for any Sum due upon any Contract, not amounting to the value of Ten Pounds, and being in any case or event recoverable by virtue of this Act, shall be commenced in any Court of Record within this Island: Provided always, that when the Plaintiff shall, upon any such Action or Suit brought in any Court of Record, obtain a Verdict there for less than Ten Pounds, then, if the Chief Justice or other Justice before whom the same cause may have been tried shall certify a reasonable or probable cause of Action for more than Ten Pounds, then and in such case the Plaintiff shall not be liable to pay Costs, but may recover his Costs of Suit, as if this Act had not been made.

Contempt of  
Court, &c., how  
punished.

LIII. All Courts established by virtue of this Act shall have power to punish, by Fine or Imprisonment, or both, any Person guilty of contempt of Court, or riotous or disorderly conduct

thereat: Provided always, that no Fine to be imposed by virtue of this Clause shall exceed Forty Shillings, nor any Imprisonment exceed the term of Thirty Days.

Limits amount of Fine, &c.

LIV. Any Clerk to be appointed under this Act, issuing any Summons without the Fee thereon being first paid, shall not be entitled to recover the same by any Process of Law.

Precludes Clerk from recovering Fee for Summons by process of Law.

LV. All Fees properly belonging to the Commissioners, arising out of any Summons or Proceeding whatsoever under this Act, shall be divided equally between the Commissioners present at each Sitting of the Court, and no other—all such Fees to be entered and settled at every such Sitting, together with the Costs of all Proceedings had or taken since the last previous Sitting of the Court: Provided always, that no Commissioner other than those usually sitting in or appointed to any particular Court under this Act shall take upon himself to hear or determine any cause pending therein, unless he shall be requested so to do by some of the Commissioners thereof.

Commissioners' Fees, how apportioned, and when paid.

No Commissioner other than those usually sitting in Court, to hear any cause therein, unless requested so to do by a Commissioner thereof.

LVI. Whereas it is necessary to give to Justices of the Peace, and to the Commissioners appointed under this Act, a power to issueailable Process in cases of Small Debts, where the Debtor is about to leave this Island: Be it therefore enacted, That it shall and may be lawful for any Justice of the Peace, or any Commissioner appointed under this Act, or the Clerk of any Court constituted under this Act, upon application made to him, in all cases where the Debt shall not exceed Twenty Pounds, and on Affidavit being made in Writing—which Affidavit shall be in the form in the Schedule to this Act annexed, marked (S), to issue a Capias—which Capias shall be in the

Empowers Justices of the Peace to issueailable Process in certain cases.

Form of Affidavit.

**Form of Capias.****Mode of proceeding on appearance of Defendant.****Form of Recognizance for appearance of Defendant.**

Defendant not appearing on day named in Recognizance, Court may proceed to try the Case, &c.

Persons appearing on his behalf, to be examined before adjudication.

Mode of proceeding when Judgment shall be given in favour of the Plaintiff.

**Form of Execution.**

Mode of proceeding when Plaintiff's claim does not exceed £8, and Defendant fails to tender Bail, &c.

**Form of Execution in such cases.**

Defendant to be detained in custody, unless he give Bail, &c.

form in the Schedule to this Act annexed, marked (T), to arrest the Body of the Debtor, in whatsoever County he may be found, and to bring him before him; and upon the appearance of the Defendant, if he shall tender good and sufficient Bail that he will appear and answer the Suit at any Sitting of the Commissioners' Court for the District, within Three Months next after issuing of such Capias, it shall be lawful for the said Justice, Commissioner or Clerk, to take a Recognizance for the said appearance from the said Defendant, with two sufficient Sureties, in the form in the Schedule to this Act annexed, marked (U); and if the Defendant do not appear and answer to the Plaintiff's Suit on the day named in the said Recognizance, the said Court shall proceed to try the same in the absence of the Defendant; but all persons appearing on behalf of the said Defendant shall, nevertheless, if tendered, be examined before Adjudication; and if Judgment shall be given in favour of the Plaintiff, Execution shall be awarded, as well against the Goods and Chattels of the Defendant as against the Goods and Chattels of the said Bail, in the form in the Schedule to this Act annexed, marked (V), for the amount of the Judgment and Costs: Provided always, that if the Defendant do not tender Bail, as aforesaid, and the amount of the Plaintiff's claim do not exceed Eight Pounds, it shall be lawful for the Justice or Commissioner who issued the Capias, or one Commissioner of the Court to which the Clerk issuing the Capias belongs, forthwith to try the cause, give Judgment and issue Execution, in the same form as in the Schedule to this Act annexed, marked (I), and according to the mode pointed out in this Act—the Defendant being retained in custody under the original Capias until it be ascertained whether he has sufficient Goods and Chattels whereon to levy the said Execution,

unless he shall give good and sufficient Bail and Security, to the satisfaction of the Justice or Commissioner, that he will, within a certain time thereafter, not exceeding Twenty-one Days, to be settled and allowed by the Justice or Commissioner, be forthcoming to meet such Execution, in case no such Goods and Chattels be found;—and if the amount of the Plaintiff's claim shall be above Eight Pounds, it shall be lawful for the Justice of the Peace who issued the Capias, together with another Justice of the Peace, acting in and for the same County, or for Two Commissioners, forthwith to hear and determine the said cause, and to issue Execution, in the form herein before referred to, and to commit the Defendant to the common Jail of the County, unless he shall give sufficient Bail and Security that he will be forthcoming to answer the said Execution, in manner as just herein before enacted, when the Debt is under Eight Pounds, until it be ascertained whether he has sufficient Goods and Chattels whereon to levy the same, and according to the mode pointed out in this Act; and any Bailiff or Constable who shall be entrusted with any Execution, to be issued in either of the above cases under the particular Provisions of this Clause, herein before set forth, shall be and he is hereby authorised and required, after having given at least Six Days' Notice, in at least Three Public Places, to levy, by Distress and Public Sale of the Goods and Chattels of the Debtor, the Sum of Money mentioned in the Writ of Execution, with Poundage and other Fees, as allowed by this Act in such cases; and if there be sufficient Goods and Chattels found whereon to levy the said Sum and Charges, then the said Constable or Bailiff shall immediately, or at least within Three Days after having ascertained the same, notify the same in Writing to the Officer or Officers issuing the Writ, who shall thereupon

When Plaintiff's claim exceeds £8, two Justices, &c., to adjudge thereon, &c.

Duties of Bailiffs, &c., under particular provisions of this Section.

Jailer may be directed to discharge Debtor in certain cases.

Debtor, &c., may be discharged from liability to appear, &c.

There not being sufficient Goods and Chattels whereon to levy, Bailiff, &c., to lodge Execution with Jailer, commit Debtor, &c.

Terms of Imprisonment.

After Imprisonment, when debt does not exceed £10, Debtor to be freed therefrom &c.

Where Debt exceeds £10, Debtor to be freed from £10 thereof and Costs, &c.

immediately direct the Jailer in whose custody the said Debtor may be to discharge him forthwith from confinement; and such Debtor shall so be immediately discharged, or in case he has given Bail or Security for his appearance, the same shall be acquitted and discharged from liability; and if there be not sufficient Goods and Chattels whereon to levy, then and in such case the said Constable or Bailiff, after having made due note thereof in Writing on the Writ of Execution, shall, within Three Days after he shall have ascertained the same, lodge the said Writ of Execution with the Keeper of the Common Jail to which the Debtor may have been committed as aforesaid; or if he shall have given Bail and Security, shall take the Body of the said Debtor and commit him to the common Jail of the County; and the said Debtor, in such case, shall remain in the said Jail under such Execution, if the Amount of the Levy shall not exceed *Two Pounds*, for the space of *Two Months*; and if above *Two Pounds*, and not exceeding *Three Pounds*, for the space of *Three Months*; and if above *Three Pounds* and not exceeding *Five Pounds*, for the space of *Four Months*; and if above *Five Pounds*, and not exceeding *Eight Pounds*, for the space of *Six Months*; and if above *Eight Pounds*, for the space of *Eight Months* (each of said Imprisonments to be computed from the day on which the Debtor was first committed); and after any of the said Imprisonments, in cases where the Debt does not exceed *Ten Pounds*, the Debtor shall be freed and discharged from such Imprisonment, and also altogether from the Debt and Costs for which it has taken place; and in cases where the Debt exceeds *Ten Pounds*, then, after such Imprisonment as aforesaid, the Debtor shall be freed and discharged therefrom, and also from the Costs and *Ten Pounds* of the Debt for which such Imprisonment has taken

place; but, nevertheless, the Goods and Chattels of such Debtor, whether present or acquired after his discharge from Imprisonment, shall still remain liable to be taken in Execution for the Balance or Surplus of the Debt, over the Sum of *Ten Pounds* so discharged as aforesaid; and the Plaintiff, in any such last mentioned case, shall be entitled, at any time thereafter, to take out Execution or *alias* Executions against the Goods and Chattels of the Defendant, for the amount of such Balance or Surplus and Costs, so always that the Person of any such Debtor or Defendant, so having suffered Eight Months' Imprisonment as aforesaid, shall be freed and discharged from Arrest upon the Judgment under which he has suffered Imprisonment, or in any Action or Proceeding upon such Judgment: Provided also, that if the Defendant shall, upon his appearance upon any Capias, deposit with the Justice, Commissioner or Clerk before whom he is brought, the Amount of the Sum sworn to, with a reasonable amount of Costs, he shall not be required to enter into Recognizance, as above stated; but the Suit shall, notwithstanding, be heard and determined in the usual way, and the Money deposited shall abide the event of the Trial: And if any Defendant against whom any such Judgment shall be given, as herein before in this Clause mentioned, shall appear to the Justice or Justices, Commissioner or Commissioners, who shall have given the same, to be deserving of Indulgence, then and in such case the said Justice or Justices, Commissioner or Commissioners, are hereby empowered to grant such time for the payment of the Judgment as shall seem reasonable—provided the time so granted shall not exceed *Two Months*, where the Judgment is not above *Five Pounds*, and *Three Months* where the Judgment exceeds *Five Pounds*—said indulgence to be computed from the day on

Goods and chattels of Debtor still liable for balance, &c.

Person of Debtor freed from arrest in such cases.

Defendant depositing amount sworn to, not required to enter into recognizance, &c.

Suit to be heard and determined in the usual way, &c.

Such time may be given to Defendant for payment of Judgment as may seem reasonable.

Limitation of such Indulgence.



Defendant, in case of Indulgence, to give Security, &c.  
Form of Recognizance for payment of Debt.

which Judgment is given; and provided also, that the said Defendant, so indulged, shall give sufficient Security, by Recognizance, in the form prescribed in the Schedule to this Act annexed, marked (D), to pay the Amount of the Judgment within the time limited therefor.

Gives right of Appeal, in certain cases.

LVII. The Judgment of the said Justice or Justices, Commissioner or Commissioners of the said Court, may be appealed from, on the Party appellant entering into the Security and complying with the other Conditions of this Act in cases of Appeal.

Defendant, how discharged from Custody.

Form of Recognizance.

Failing to give Security, Execution to issue forthwith.

LVIII. And whereas it is necessary, in the last mentioned case, to make Provision for the custody of the Defendant, after Judgment shall have been given, until the expiration of the time allowed for perfecting Appeals: Be it enacted, That the Defendant shall be discharged from custody upon entering into a Recognizance, in the form in the Schedule to this Act annexed, marked (W), with Two sufficient Securities; and in case he shall refuse to give such Security, Execution shall issue for the amount of Judgment and Costs, as herein before pointed out.

Gives power to Justices of the Peace, &c., to issue Bailable Process, where Debt is above £20, and does not exceed £30. Form of Affidavit.

LIX. And whereas it is expedient to extend to Justices of the Peace, and to Commissioners under this Act, the power of issuing Bailable Process, in cases of Debt above Twenty Pounds, and not exceeding Thirty Pounds, where the Debtor is about to leave this Island: Be it therefore enacted, That it shall be lawful for any Justice of the Peace or Commissioner acting under this Act, upon Application made to him in such cases, and on Affidavit being made in Writing before him, in the form in the Schedule to this Act annexed, marked (S), to issue a Capias, which shall be in the form in the Schedule

to this Act annexed, marked (X), to arrest the Body of the Debtor, in whatsoever County he may be found; and upon his Appearance before said Justice or Commissioner, if he do not tender good and sufficient Security that he will appear and answer the Plaintiff at the next Term of the Supreme Court for the County wherein the Justice or Commissioner issuing the Capias has Jurisdiction, and execute a Bond to the Sheriff of the County to that effect, in the form in the Schedule to this Act annexed, marked (Y), the said Justice or Commissioner is hereby required to direct a Precept, under his hand and seal, to the Sheriff of the County, in the form in the Schedule to this Act annexed, marked (Z), to receive the said Defendant and detain him in his custody until the next Sitting of the said Supreme Court, as aforesaid; and the Constable who shall have arrested the said Defendant shall take the said Precept and said Defendant and forthwith lodge him in the County Jail; and it shall be lawful for the Justice or Commissioner, if a sufficient Bail Bond shall be tendered and executed, to demand from the Defendant the Sum of Two Shillings and Sixpence for the same.

LX. When any Person shall be so arrested as in the last preceding Section mentioned, the Plaintiff shall, at least Eight Days before the Sitting of the said Court, serve the Defendant with a Declaration, wherein the cause or causes of Action shall be set forth, in the same manner as is usually done in Summary Writs issued out of the Supreme Court, and the Suit shall then proceed in the same manner as if it had originally commenced by Summary Writ out of the said Supreme Court; and in case the Defendant shall make default in appearing and putting in Special Bail, the Plaintiff shall be entitled to

Form of Capias.

Defendant, on appearance, to give Bond to Sheriff to answer Plaintiff at the next Term of the Supreme Court.

Form of Bond.

If Bond be not given, Justice to direct a Precept to Sheriff.

Form of Precept.

Duty of Constable.

Fee for Bail Bond.

Plaintiff to serve Defendant with Declaration 8 days before sitting of Supreme Court.

Suit may then proceed in same manner as if commenced by Summary Writ out of the said Court.

Defendant not appearing, &c.,

Plaintiff entitled to assignment of Bail Bond.

demand an Assignment of the Bail Bond, and to proceed thereon in his own Name, in the same manner as in other cases.

Persons confined in Jail under this Act not entitled to benefit of the Acts 14 V., c. 2, and 12 V., c. 1.

LXI. No Person confined in Jail under and by virtue of any Execution issued under this Act shall be entitled to the Benefit of an Act made and passed in the Fourteenth Year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws now in force for the Relief of Insolvent Debtors*, nor to the benefit of an Act made and passed in the Twelfth Year of the Reign of Her present Majesty, intituled *An Act relating to the Limits and Rules of Jails of this Island*.

In what Court Plaintiff must bring his Action.

LXII. Any Plaintiff bringing any Action or Suit in any of the Courts to be constituted under this Act, must bring the same either in the Court which holds its Sittings nearest to his own or his Agent's Place of Residence, or in that which holds its Sittings the nearest to the Residence of the Defendant or his Agent, but at the option of the Plaintiff.

Limitation of Actions commenced against persons acting under this Act.

LXIII. If any Action or Suit shall be commenced against any Person, for any Matter or Thing done in pursuance of this Act, such Action or Suit shall be brought or commenced within Six Calendar Months next after the cause of Action shall have arisen, and not afterwards; and the same shall be laid and brought in Her Majesty's Supreme Court of Judicature, and not elsewhere: And the Defendant in such Action or Suit may plead the General Issue therein, and give this Act and the Special matter in Evidence at the Trial thereof; and if the Matter or Thing for which such Suit or Action may be brought shall appear to have been done in pursuance of this Act, then the Jury shall find for

Where Actions are to be laid.

Defendant's Plea.

Defendant to be allowed full costs in certain cases.

the Defendant; and if the Plaintiff become Non-suited, or discontinue his Action or Suit; or if, upon Verdict or Demurrer, Judgment shall be given against the Plaintiff; or if the said Action shall be brought in any other Court than the said Supreme Court, then and in either of said cases the Defendant shall and may recover full Costs, to be Taxed as between Attorney and Client, and have such Remedy for the same as any Defendant hath in any other case by Law.

LXIV. All Bonds or Recognizances given under or by virtue of the said repealed Acts, or any of them, shall be and the same are hereby declared to be and remain in full force and effect, for the Purposes for which the same were respectively given, notwithstanding the repeal of the said Acts; and such Bonds and Recognizances shall and may, after this Act shall go into operation, be sued upon, enforced and recovered in Her Majesty's Supreme Court of Judicature, or in any Court constituted under this Act, at the option of the Plaintiff.

Bonds, &c., given under repealed Acts, to remain in full force, for certain purposes.

How proceeded upon.

LXV. The Commissioners of Small Debts heretofore appointed, and now acting under and by virtue of all or any of the Acts hereby repealed, shall continue to act and adjudicate, under the Provisions thereof, for and until the end of Thirty Days after this Act shall go into operation—for which purpose, and also for sustaining such acts and adjudications, and of all Proceedings heretofore had or hereafter to be had or pending in the said Courts, the said Acts hereby repealed, or so many of them as are now unrepealed, shall be held to continue in force; nor shall anything in this Act contained prevent any of the said Commissioners who, previous to the expiration of the said Thirty Days, shall have issued any Summons, from adjudicating thereon

Commissioners appointed under Acts hereby repealed, to act and adjudicate for Thirty days after this Act shall go into operation.

Mode of sustaining such adjudications, &c.

Not to prevent Commissioners, within the said period, from adjudicating in all cases commenced by them.

or from issuing Execution or Executions for the Judgment or Judgments previously given, or that may be given in any such cases where Summonses have already been issued, or from fulfilling and perfecting all and singular the Business commenced under and by virtue of the powers vested in them by the said repealed Acts, or any of them, in so far as the same can be done and completed previous to the expiration of the said period of Thirty Days, under the Provisions of the said Acts hereby repealed.

Reappointment to office of Commissioner, not to vacate the seat of any member of present House of Assembly.

LXVI. The Reappointment of any Member of the present House of Assembly to the Office of Commissioner of Small Debts, under this Act, shall not extend, or be construed to extend, to vacate the seat of such Member—any Statute, Usage or Custom, to the contrary, notwithstanding.

Fines and Penalties, how recoverable.

LXVII. All Fines and Penalties imposed by this Act shall be recoverable, with Costs, on the Oath of one or more credible Witness or Witnesses, unless where otherwise directed, before any Court to be constituted under this Act, where such Fine or Penalty shall not exceed the Sum of Twenty Pounds; and if above that Sum, by Action in Her Majesty's Supreme Court of Judicature; and unless where otherwise appropriated, they shall be paid into the Treasury of this Island, to and for the use of Her Majesty's Government.

Mode of appropriation.

No other or greater Fees to be taken than are allowed by this Act.

LXVIII. No Person acting under and by virtue of this Act shall take or receive, directly or indirectly, any greater or other Fee or Fees, for his Services, than is or are mentioned and allowed in the Table of Fees to this Act annexed.

**LXIX.** If any of the said Courts of Commissioners under this Act shall see fit, at any Time, to revoke any Appointment of a Clerk made by it, it shall be authorised so to do; and the Books and Records, Papers, Securities, Moneys and Documents kept by the Clerk as aforesaid, or in his Custody or Possession, shall, on his going out of Office, be handed over to the Commissioners constituting the said Court; and upon his neglecting or refusing to deliver up the said Books, Records, Papers, Securities, Moneys or Documents, or any of them, when demanded, he shall forfeit and pay, for such Offence, a Sum not exceeding Twenty Pounds, besides the value to the several Parties injured of all such Books, Records, Papers, Securities, Moneys and Documents so in his hands—the same to be recovered, with Costs, in the Supreme Court of Judicature of this Island, and applied to and for the use of Her Majesty's Government.

Court may revoke appointments of Clerk.

Clerk to deliver up Books, &c. to Commissioners.

Penalty for neglect or refusal.

Mode of recovery, and application of Penalty.

**LXX.** This Act shall commence and go into force and operation on the First day of *June*, in the Year of our Lord One thousand eight hundred and fifty-two, but not sooner.

When this Act shall commence operation.

**LXXI.** It shall be the duty of each Clerk of the Courts of Commissioners for the Recovery of Small Debts, constituted and acting under or by virtue of all or any of the Acts of the General Assembly of this Island hereby repealed, within *Thirty Days* after this Act shall go into operation, to return and hand over to the Court to be constituted under this Act which shall hold its Sittings the nearest to the Court of which he is Clerk, all Books, Records, Documents, Papers, Writs and other Writings, Matters and Things, in his charge and custody as such Clerk as aforesaid, and duly entered and made up; and the Court under this Act, immediately after the

Duty of Clerks of former Commissioners' Courts.

Courts constituted under this

Act, to have jurisdiction over all Matters, undetermined, after expiration of 30 days.

Forms of proceeding to be altered, &c.

Penalty on Clerks for neglecting to comply with the provisions of this section.

Mode of recovery, and application of penalty.

Duty of Commissioners under repealed Acts, in case of Death of Clerk.

same shall be duly lodged therein, shall have Jurisdiction over all Matters and Judgments pending or undetermined, or recovered in the Court from which such Books, Records, Documents, Papers, Writs and other Writings, Matters and Things, proceed, and shall have Power to hear and adjudicate therein and upon, and to issue Execution on Judgments already recovered in said last mentioned Court, as fully and effectually, to all intents and purposes, as if the said Court under this Act had originally entertained the Suit or Suits, or Judgments or other Proceedings returned out of any such Court constituted as aforesaid under the Acts hereby repealed, or any of them—the Forms of Proceeding being altered to meet the circumstances of each case: And every such Clerk of the last mentioned Courts neglecting or refusing to make such Return, or to hand over such Books, Records, Documents, Papers, Writs or other Writings, Matters or Things, so duly entered and made up as aforesaid, to such Court under this Act nearest to the Court of which he is or has been Clerk, within the Period aforesaid, shall forfeit and pay, for such Offence, to each Person aggrieved thereby, a Sum not exceeding Twenty Pounds, besides the Value of the Papers or other Documents belonging to each Person aggrieved—the same to be recovered, with Costs, in any Court constituted under this Act, and paid to the Party or Parties aggrieved.

**LXXII.** In case of the Death of any Clerk of any such Court so constituted and appointed under the several Acts hereby repealed, or any of them, before the space of Thirty Days after this Act shall go into operation, it shall be the Duty of the Commissioners, or One of them, appointed under the said repealed Acts, of the Court to which such Clerk may belong, to hand

over and make return, in the same manner as the Clerk is required to do by the last preceding Clause of this Act, and under the same Penalty and Fine, in each case, as is therein inflicted on such Clerk neglecting or refusing, besides the value of the Papers and Documents, as therein mentioned, and also recoverable in the last preceding Clause mentioned: And the Court constituted under this Act shall have like Jurisdiction and Authority to proceed, after such Return made under this Clause, as it would have had if the Return had been duly made by the Clerk, as herein before set forth.

Penalty for neglect, &c.

Penalty, how recoverable.

Jurisdiction, &c., of Courts, with reference to Returns made under this clause.

LXXIII. The Clerk of every Court for the Recovery of Small Debts shall, in the month of *June*, in each Year, make out a correct List of all Sums of Money belonging to Suitors in the Court, which shall have remained for the space of *Twelve* Calendar Months, before the *First* day of the Month of *January*, specifying the Names of the Parties for whom and on whose account the same were so paid into Court, and a Copy of such List shall be put up and remain during Court-hours in some conspicuous part of the Court-house or other Place, and at all times in the Clerk's Office.

Clerk of Court to prepare List of all Sums of Money belonging to Suitors, and post the same in his Office, &c.

LXXIV. The Clerk of each Court for the Recovery of Small Debts, to be constituted under this Act, shall annually, on the last *Monday* in *January*, in each Year, send in to the Office of the Colonial Secretary of this Island an Account and Return, in Writing, of all Fees which, during the Year ending on the *Thirty-first* day of *December* last preceding the date of each Return, shall have been received by him, or by the Commissioners, and Constables or Bailiffs, of the Court to which he belongs, and also an Account of the Amount of all Sums, during the like Pe-

Clerk of Court to make a Return, Annually, to Colonial Secretary's Office, of all Fees, &c.



riod, sued for and recovered in the said Court; and any Clerk making default herein shall forfeit and pay to Her Majesty a Fine of Ten Pounds—to be recovered in any of the Courts constituted under this Act.

### Table of Fees referred to in this Act.

#### COMMISSIONERS' FEES.

*///*  
Commissioners' Fees.

For issuing every Capias or Summons, *One Shilling*.  
 For every Trial and Judgment, not above Two Pounds, One Shilling and Six-pence; from Two Pounds to Eight Pounds, Three Shillings; from Eight Pounds to Twelve Pounds, Five Shillings; and from Twelve Pounds to Twenty Pounds, Seven Shillings and Sixpence.  
 For issuing every Attachment, Two Shillings and Sixpence.  
 For every Subpoena under an Attachment, Sixpence.  
 For drawing and engrossing every Affidavit, One Shilling and Sixpence.  
 For every Recognizance, One Shilling and Sixpence.  
 For taking Depositions of Witnesses about to leave this Island, Eight-pence for every One hundred Words.  
 For every Notice to attend an Examination of Witnesses, One Shilling and Sixpence.  
 Trial and Judgment Fees not to be allowed, on Confession by Defendant without Trial.

#### CLERKS' FEES.

*Subpoe 1/6*  
Clerks' Fees.

For every Summons, Capias or Attachment, One Shilling.  
 For every Subpoena, Six-pence.  
 For every Execution, issued at Plaintiff's or Defendant's request, One Shilling.

#### CONSTABLES' OR BAILIFFS' FEES.

*///*  
Constables' or Bailiffs' Fees.

For Service of every Summons or other Process, One Shilling.  
 For levying Execution, Two Shillings and Sixpence.  
 For every Mile actually travelled, going and returning, to serve a Summons or other Process, or make demand, Two-pence.  
 For every Mile actually travelled, going and returning, to serve a Subpoena, Two-pence; and if more than one Subpoena in any case, only the one Mileage to be charged for the full distance travelled in such case.

For making Arrest under Capias, Two Shillings and Six-pence.

For levying Execution and Sale of Goods, &c., thereunder, at the rate of One Shilling in the Pound (except where the Party shall suffer the full term of Imprisonment under this Act), when the Debt is under £10

For advertising Property taken in Execution, One Shilling and Six-pence.

For levying Attachment, Two Shillings and Six-pence.

For Inventory, Service and Notice, One Shilling.

For taking Bond for forthcoming of Property, One Shilling and Six-pence.

For making demand on Sureties for Payment and Oath, One Shilling.

In cases where the Party against whom the Execution or other Proceedings have issued shall pay or tender to the Constable or Bailiff the amount of the Debt or Sum claimed and Costs, without the same being levied by the Constable or Bailiff, and Sale made, the Constable or Bailiff shall not be entitled to Poundage Fees.

#### WITNESSES' FEES.

For every Day's Attendance, Two Shillings.

For every Mile travelled, coming and returning, Three-pence.

In the event of Witnesses attending in more than one Case at the same time, then to be allowed only one-half the above Fees in each Cause.

Witnesses' Fees

### Schedules to which this Act refers.

#### SCHEDULE (A.)

FORM OF AFFIDAVIT, WHEN SUIT IS BROUGHT FOR RENT.

County. } In the Court of Commissioners for  
the Recovery of Small Debts  
at in the said County.

I, A. B. (or C. D., Agent for A. B.), do swear, that E. F. is justly and truly indebted to me (or to the said A. B., if Affidavit be made by the Agent,) in the Sum of

Affidavit where  
Suit is brought  
for Rent.

of lawful Money of Prince Edward Island, for (half) a Year's Rent (or otherwise, according to the circumstances) for certain Premises situate, &c. (here briefly describe the Premises), and due upon a certain Indenture of Lease, dated the . day of One thousand eight hundred and

of the one part, and of the other part,  
(or if the Amount or Rent be claimed upon any other De-

*mise, whether parol or in writing, or any written or parol Lease, or Agreement for a Lease, or any otherwise, in respect of the relation of Landlord and Tenant, as in the Act stated—here state shortly the nature thereof,) and that on the                      day of                      (being either the day of the date of the Affidavit, or some day within Seven days previous,) no sufficient Distress was to be found upon the said Premises countervailing the said Arrears of Rent then due, (or if more than half a Year's Rent be sworn to be due, then say, that "no sufficient Distress was then to be found upon the said Premises, countervailing half a Year's arrears of the said Rent then due,") search having been made therefor on the said Premises.*

*A. B., or C. D.*

Sworn before me, this )  
day of 185 }  
— — —, Clerk.

### SCHEDULE (B.)

#### FORM OF SUMMONS.

Prince Edward Island, }  
County. } In the Court of Commissioners for  
the Recovery of Small Debts  
at in said County.

A. B., Plaintiff, }  
C. D., Defendant. }

Form of Sum-  
mons.

YOU are hereby required to be and appear before the said Court, on                      day of                      next, at the hour of                      o'clock, in the forenoon, to answer the Plaintiff in an Action for the sum of                      for                      (if in Trover, say, "in an Action of Trover, for                      being the value of the Property of the said Plaintiff, detained by you as is said): And in default of your appearance, you will be proceeded against as to Justice shall appertain.

Given under my Hand and Seal, this                      day  
of                      18

— — —, Clerk. (L. S.)

To the Defendant, C. D.

### SCHEDULE (C.)

#### FORM OF SUBPENA.

Prince Edward Island, }  
County. } By the Court of Commissioners for  
the Recovery of Small Debts,  
at in said County.

YOU are hereby required personally to be and appear before  
on the day of

Subpoena.

next, at the hour of \_\_\_\_\_ o'clock in the forenoon, to  
testify the Truth, according to your knowledge, between *A.*  
*B.*, Plaintiff, and *C. D.*, Defendant: And herein you are not  
to fail, on pain of being fined as the Law directs.

Given under my Hand and Seal, this \_\_\_\_\_ day  
of \_\_\_\_\_ 18 \_\_\_\_\_

\_\_\_\_\_, *Clerk of said Court.* (L.S)  
To Mr. \_\_\_\_\_

### SCHEDULE (D.)

#### RECOGNIZANCE FOR PAYMENT OF DEBT.

*A. B.*, Plaintiff. }  
*C. D.*, Defendant. } WE, *E. F.* and *G. H.*, do jointly and  
severally undertake, that if *C. D.*, the Defendant, shall not  
pay or cause to be paid to *A. B.*, the Plaintiff, the amount  
adjudged against him, the said *C. D.*, in this Action, being  
for Debt and Costs, on or before the  
day of \_\_\_\_\_ next ensuing, we, or one of us, will do it for  
him. *E. F.*,  
*G. H.*

Recognizance  
for Payment of  
Debt.

Taken and acknowledged }  
before me, this \_\_\_\_\_ }  
day of \_\_\_\_\_ 18 \_\_\_\_\_ }  
\_\_\_\_\_, *Clerk.*

### SCHEDULE (E.)

#### RECOGNIZANCE OF APPEAL.

*County.*

*C. D.*, in error, Plaintiff. }  
*A. B.*, in error, Defendant. } *C. D.*, is delivered on Bail to  
prosecute his Appeal at the next Sitting of Her Majesty's  
Supreme Court of Judicature, which will be at \_\_\_\_\_ on  
the \_\_\_\_\_ day of \_\_\_\_\_ next ensuing.

Recognizance  
of Appeal.

To *E. F.*, of \_\_\_\_\_ in \_\_\_\_\_ County, (*Occupation.*)  
" *G. H.*, of \_\_\_\_\_ in \_\_\_\_\_ County, (*Occupation.*)

Taken and acknowledged before me  
\_\_\_\_\_, *Clerk.*

### SCHEDULE (F.)

#### FORM OF AFFIDAVIT OF APPELLANT OR HIS AGENT.

*County.* } In the Court of Commissioners for the  
} Recovery of Small Debts, at \_\_\_\_\_ in  
} said County.

*C. D.*, or (*E. F.*, Agent of *C. D.*,) maketh Oath and saith,  
That on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ instant,

Affidavit of Ap-  
pellant.

a Judgment was given against this Deponent, (or the said C. D., or for this Deponent, or the said C. D., if the Judgment appealed from be in favor of the Appellant,) in the said Court, in an Action wherein A. B. was and this Deponent, (or the said C. D.,) the for the Sum of together with Costs of Suit, (or for Costs of Non-suit, or otherwise, as the case may be,) and that this Deponent, considering himself (or the said C. D., if the Affidavit be by the Agent,) aggrieved by the said Judgment, intends to remove the same, by Appeal, into Her Majesty's Supreme Court of Judicature, to be held in on the day of next ensuing, and then and there to cause the said Judgment, and all Proceedings thereon, to be examined in due course of Law; and this Deponent further saith, that he does not ask for the said Appeal for the purpose of delaying the Payment of the said Judgment, but for the purpose of having the case determined on its merits in the Supreme Court as aforesaid.

Sworn before me, this

day of

18

\_\_\_\_\_, Clerk. }

C. D.,

or

E. F., Agent }  
for C. D. }

### SCHEDULE (G.)

FORM OF CONDITION OF RECOGNIZANCE ON APPEAL, TO BE READ OVER BY OR REPEATED TO SURETIES TAKING RECOGNIZANCE, AND TO BE ENDORSED ON RECOGNIZANCE, SIGNED BY THE SURETIES, AND ATTESTED BY THE CLERK.

Condition of  
Recognizance  
on Appeal.

WE, E. F. and G. H. do, jointly and severally, undertake that if C. D., the Appellant, be condemned in the Appeal, and Judgment shall be given against him by the Supreme Court, or entered against him by Confession, he shall satisfy the Costs and Condemnation, or render himself to the Custody of the Sheriff of the County to whom any Execution thereon may be issued, or will do it for him: And further, that if the said C. D. shall, in the meantime, fraudulently part with any of his Goods and Chattels, or make any undue or unjust disposition thereof, so as to defeat any such Judgment and Execution, unless he shall pay the said Costs and Condemnation-money, we will pay the same for him: This we do severally acknowledge and undertake.

Dated

day of

A. D., 185

E. F.,

G. H.

Taken and acknowledged before me,

\_\_\_\_\_, Clerk of the Court.

## SCHEDULE (H.)

## FORM OF NOTICE OF APPEAL.

County. } In the Court of Commissioners for  
*A. B.*, Plaintiff, } the Recovery of Small Debts, at  
*C. D.*, Defendant. } in said County.

TAKE Notice, that I have appealed from the Judgment of this Court, in this Suit, to Her Majesty's Supreme Court of Judicature, at the next Sitting thereof, to wit, at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ and that it is my intention to have the said Appeal heard on that day, or as soon thereafter as Counsel can be heard.

Notice of Appeal.

Given under my hand, the \_\_\_\_\_ day of \_\_\_\_\_ 18  
*C. D.* or *A. B.*

To Mr. *A. B.* or *C. D.*

## SCHEDULE (I.)

## FORM OF EXECUTION.

Prince Edward Island, }

County. } In the Court of Commissioners for  
the Recovery of Small Debts at \_\_\_\_\_ in said County.

*To the Constables or Bailiffs of the said Court, or to any of them, and to the Keeper of the Jail in the said County.*

WHEREAS on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_, Judgment was awarded against *C. D.*, in favour of *A. B.*, for the Sum of \_\_\_\_\_ Debt and Costs of Suit (*as the case may be*): These are to require and command you, the said Constables or Bailiffs, or one of you, to levy of the Goods and Chattels of the said *C. D.*, the said Sum, by Sale of the said Goods and Chattels; and for want thereof, you are hereby commanded to take the Body of the said *C. D.*, and him commit to the said Jail; and you the said Jailer are hereby required to receive the Body of the said *C. D.*, and him there to detain, until he satisfy the said *A. B.*, or be otherwise discharged in due course of Law: And you the said Constables or Bailiffs are hereby required to make due Return of your doings hereunder to this Court, within Thirty days from the date hereof.

Execution.

Given under my hand and Seal, this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

\_\_\_\_\_, Clerk (L. S.)

Debt,  
Costs,  
Execution,  
Levy for £



all Sums of Money coming into his hands, by virtue of such Writs, Attachments, Summonses, Executions and other Proceedings, then and in such case the said Obligation shall be void, otherwise it shall remain in full force and effect.

|                    |   |       |         |
|--------------------|---|-------|---------|
| Signed, Sealed and | } | A. B. | (L. S.) |
| delivered, in the  |   | C. D. | (L. S.) |
| presence of        |   | E. F. | (L. S.) |

### SCHEDULE (L.)

#### FORM OF AFFIDAVIT TO OBTAIN SUMMONS AGAINST AGENT OF ABSCONDING DEBTOR.

County. } I, A. B. (or G. H., Agent of A. B.) do Swear, that C. D. is justly and truly indebted to me (or to the said A. B.) in the sum of of lawful Money of this Island, and that I have received Information and verily believe that he is absent from this Island, and that E. F., of hath the Custody of his Goods and Chattels, or that he is indebted to him the said C. D. (or that the said C. D. hath Goods and Chattels within this Island.)

Affidavit to obtain Summons against Agent of absconding Debtor.

So help me GOD.

Sworn before me, this  
day of 18  
— — —, Clerk of C. C. }

A. B.

### SCHEDULE (M.)

#### FORM OF ATTACHMENT.

Prince Edward Island, } In the Court of Commissioners for  
County. } the Recovery of Small Debts, at  
in said County.

A. B., Plaintiff,

C. D. (sued as an absent Debtor), Defendant.

*To the Bailiffs and Constables of the said Court, or of any other Commissioners' Court for the said County.*

YOU are hereby authorised and required to attach the Goods and Chattels of C. D., late of in the said Island, an absent or absconding Debtor, to the value of (*here insert the Debt sworn to, and add these words, "with the further Sum of as probable Costs of Suit"*), wheresoever you may find the same within the said Island (or being at in the Custody or Power of E. F., as the case may require,) and the same to detain in your Custody, to answer the Suit of A. B. against the said C. D. for (*here*

Attachment.



*state the Cause of Action*); and you are to make Return of you doings hereunder to this Court, at its next Sitting after the date hereof.

Given under my Hand, and the Seal of the said Court, this            day            18

By Oath for £            ———, Clerk. (L. S.)

### SCHEDULE (N.)

#### FORM OF NOTICE TO AGENT.

Prince Edward Island, } In the Court of Commissioners for  
County. } the Recovery of Small Debts, at  
A. B. Plaintiff, } in said County.  
C. D. (sued as an absent Debtor), Defendant.

Sir, or Madam ;

Notice to Agent.

TAKE Notice, that I have attached the Goods and Chattels specified in the Schedule hereunder written, which I am informed are the Property of the Defendant, in your possession, to answer the Suit of the above named Plaintiff for £ Debt, and £            the probable Costs of Suit; and the Attachment is returnable into the said Court, on the            day of            when the Case will be heard.

Dated this            day of            18

Yours, &c.,            J. K.,  
Bailiff or Constable of said Court.

To Mr. or Mrs.

One Horse,  
One Cart;  
One Stack Hay,  
Six Chairs,  
One Table, &c.

### SCHEDULE (O.)

#### FORM OF BAIL FOR RETURN OF GOODS.

Prince Edward Island, }  
County. }  
A. B., Plaintiff, }  
C. D. (sued as an absent Debtor), Defendant. }

Bail for Return  
of Goods.

WE, E. F. and G. H., do jointly and severally promise and undertake, that if Judgment be given against the Defendant in this Action, the Goods and Chattels attached by the Plaintiff, and left in the House of the said E. F., viz., (*here specify the Articles*), and valued at £            shall

be forthcoming and delivered upon demand, to respond the Judgment which may be given in this Action, and in as good order as the same now are, or the aforesaid value thereof shall be paid by us, if so much shall be required to satisfy the Judgment and Costs of Suit.

Witness our Hands, this                      day of                      18

E. F.

Witness,

G. H.

J. K., Bailiff or Constable.

### SCHEDULE (P.)

#### FORM OF SUMMONS AGAINST WIFE OR AGENT.

County. } In the Court of Commissioners  
for the Recovery of Small Debts,  
at                      in said County.

YOU are hereby required to be and appear before the said Court, at                      on                      the                      day of                      next, at the hour of                      o'clock, in the forenoon, to discover on Oath what Moneys, Goods, Chattels and Effects (if any), of the above named Defendant, you have in your Custody, and on his behalf to answer the Plaintiff in an Action for the Sum of                      for                      and herein you are not to fail at your peril.

Summons  
against Wife or  
Agent.

Given under my Hand and Seal, this                      day  
of                      18

\_\_\_\_\_, Clerk. (L. S.)

To Mrs. \_\_\_\_\_, Wife of said Defendant;  
or Mr. \_\_\_\_\_, Agent (as the case may be.)

### SCHEDULE (Q.)

#### RECOGNIZANCE FOR THE FORTHCOMING OF GOODS, &C., OF ABSENT DEBTOR IN HANDS OF AGENT, &C.

Prince Edward Island, } In the Court of Commissioners for  
County. } the Recovery of Small Debts, at  
A. B., Plaintiff,                      in said County.  
C. D. (sued as an absent Debtor), Defendant.

WE, E. F. and G. H. do jointly and severally promise and undertake, that the Goods and Chattels discovered by the Oath of the said E. F. to be in his (or her) hands or power, belonging to the said Defendant, viz: (here specify the articles), and valued at £                      shall be forthcoming and delivered up on demand, to respond the Judgment given for the Plaintiff in this Action, and in as good order as the same

Recognizance  
for the forth-  
coming of goods  
of absent Deb-  
tor.

now are in, or the aforesaid value thereof shall be paid by us, or so much as will satisfy the Judgment and Costs of this Suit, now or hereafter to be incurred.

Witness our Hands, this                      day of                      18 .

E. F.

G. H.

Witness,

J. K., Commissioner, Bailiff or Constable.

### SCHEDULE (R.)

RECOGNIZANCE OF PLAINTIFF, OR HIS AGENT, DEMANDING  
EXECUTION AGAINST ABSCONDING DEBTOR.

County. } In the Court of Commissioners  
                  } for the Recovery of Small Debts;  
A. B., Plaintiff, } at                      in said County.  
C. D., Defendant. }

Recognizance  
of Plaintiff de-  
manding Exe-  
cution against  
absent Debtor.

WHEREAS Judgment hath been awarded in favor of the above named A. B., Plaintiff, against C. D., an absent or absconding Debtor, and he hath demanded Execution thereof against the Goods and Chattels of the said C. D., in the custody of E. F.: Now, We, A. B. (or W., Agent of A. B.), L. M. and S. F., do hereby undertake, that if, on a Rehearing in this Cause, within Twelve Months, the said C. D. obtains a Judgment in his favor, we will repay to the said C. D. the amount thereof, and all Costs that may be adjudged to him on such Rehearing.

A. B. (or W.), L. M., S. T.

Taken and acknowledged before me, }  
this            day of            18 . }

\_\_\_\_\_, Clerk.

### SCHEDULE (S.)

FORM OF AFFIDAVIT TO OBTAIN CAPIAS.

Affidavit to ob-  
tain Capias.

County, }  
I, A. B., do swear, that C. D. is justly and truly indebted to me (or if Affidavit be made by Agent, then say, I, E. F., Agent for A. B., do swear, that C. D. is justly and truly indebted to A. B.) in the sum of                      of lawful Money of Prince Edward Island, for                      and that I have been informed and believe that the said C. D. is about to depart from this Island, and that unless a Capias is granted me, I shall (or if Affidavit be by Agent, &c., the said A. B. will) lose the said Debt of                      A. B., or E. F.

Sworn before me, this                      }  
day of                      18 . }

E. F., J. P., Commissioner, or Clerk.

## SCHEDULE (T.)

## FORM OF CAPIAS.

*To either of the Constables or Bailiffs of*

YOU are hereby commanded to take *C. D.*, of \_\_\_\_\_ in \_\_\_\_\_  
 whatsoever County he may be found, and bring him before \_\_\_\_\_ Capias.  
 to answer to *A. B.* in an Action for

Hereof fail not.

Given under my Hand and Seal, this \_\_\_\_\_ day of \_\_\_\_\_ 18

*E. F.*, J. P., Commissioner, or Clerk. (L. S.)

## SCHEDULE (U.)

## RECOGNIZANCE AFTER CAPIAS.

*A. B.*, Plaintiff, }  
*C. D.*, Defendant. } WE, *E. F.* and *G. H.*, do jointly and  
 severally undertake to produce the Body of the said *C. D.* Recognizance  
 at the \_\_\_\_\_ Sitting of the Court of Commissioners, after Capias.  
 at \_\_\_\_\_ in this County, on \_\_\_\_\_ day of  
 next, to answer the Plaintiff in an Action which  
 he hath commenced; and in default thereof, we or one of us  
 will pay to the said Plaintiff what shall be then and there ad-  
 judged to him for Debt and Costs.

Taken and acknowledged } *E. F.*  
 before me, this } *G. H.*  
 day of \_\_\_\_\_ 18 . }

*J. K.*, J. P., Commissioner or Clerk.

## SCHEDULE (V.)

## FORM OF EXECUTION AGAINST THE BAIL.

WHEREAS Judgment hath be. \_\_\_\_\_ varded in favor of *A. B.*,  
 as well against *C. D.* for the Sum of \_\_\_\_\_ Debt, Execution  
 and \_\_\_\_\_ Costs of Suit, against *E. F.* and *G. H.*, against Bail.  
 who failed to produce the Body of the said *C. D.*, as they had  
 undertaken to do: These are therefore to command you, that  
 you levy from the Goods and Chattels of the said *C. D.*, *E.*  
*F.* and *G. H.* the Sum of \_\_\_\_\_ and for want  
 thereof to take the Bodies of the said *C. D.*, *E. F.* and *G.*  
*H.*, and them commit to the Jail of \_\_\_\_\_ there to  
 remain until they pay the same, or be discharged by *A. B.*,  
 or otherwise by order of Law.

Given under my Hand and Seal, this \_\_\_\_\_ day of \_\_\_\_\_ 18

*J. K.*, J. P., or Clerk. (L. S.)

## SCHEDULE (W.)

## FORM OF RECOGNIZANCE TO BE GIVEN IN CASES OF APPEAL.

Recognizance  
in case of Ap-  
peal after Ca-  
pias.

A. B., Plaintiff, }  
C. D., Defendant. } WE, E, F. and G. H., do jointly and  
severally undertake, that if the said C. D. shall not cause to  
be given a Recognizance for Appeal in this Case, in manner  
and form and within the time by Law prescribed, or duly ren-  
der himself to the custody of J. K., (*here insert the Name  
of the Justice of the Peace or Commissioner before whom the  
cause was tried,*) we or one of us will pay the amount of  
Judgment and Costs awarded in this Suit.

Taken and acknowledged before } E. F.  
me, this day of 18 . } G. H.

J. K., J. P., or Commissioner.

## SCHEDULE (X.)

## FORM OF CAPIAS WHEN THE DEBT EXCEEDS TWENTY POUNDS.

Capias, when  
Debt exceeds  
£20.

*To either of the Constables or Bailiffs of*

YOU are hereby commanded to take A. B., of in  
whatsoever County he may be found, and bring him before  
me, that he may give Security for his appearance at the next  
Term of Her Majesty's Supreme Court, to answer to C. D.,  
in an Action for Hereof fail not.

Given under my Hand and Seal, at this day of 18  
E. F., J. P., Commissioner or Clerk, (L. S.)

## SCHEDULE (Y.)

## FORM OF BAIL BOND.

Bail Bond to  
Sheriff.

KNOW all Men by these Presents, That we are  
held and firmly bound to Equire, Sheriff  
of County, in Prince Edward Island, to be paid  
to the said Sheriff, or his certain Attorney, Executors, Ad-  
ministrators or Assigns, for which Payment, well and truly  
to be made, we bind ourselves, and each of us for himself,  
our and every of our Heirs, Executors, and Administra-  
tors, firmly by these Presents, Sealed with our Seals, dated  
the day of in the Year of  
the Reign of our Sovereign Lady Queen Victoria, and in  
the Year of our Lord One thousand eight hundred and

The condition of this Obligation is such, that if the above  
bounden do appear before Her Majesty's  
Supreme Court of Judicature, to be held at on  
the day of to answer of a

Plea, and also to a Bill of the said to  
be exhibited against the said on Promises, then  
this Obligation to be void, otherwise to be and remain in full  
force and virtue.

Sealed and delivered, in the presence of

---

SCHEDULE (Z.)

FORM OF PRECEPT TO SHERIFF.

To the Sheriff of

County :

YOU are hereby commanded to receive herewith into your  
custody the Body of C. D., and him safely keep, so that you  
have him before Her Majesty's Supreme Court of Judicature,  
on the day of next coming, to answer  
A. B. in a Plea, as by his Bill, hereafter to be filed, shall  
appear. Hereof fail not.

Precept to Sher-  
riff.

Given under my Hand and Seal, this day of 18

E. F., J. P., or Commissioner. (L. S.)

By Oath, for the Sum of £

---

CAP. IX.

An ACT to enable the *Royal Agricultural Society of Prince Edward Island* to authorise the Exportation of the Horse "*Saladin*" from this Island on certain conditions.

[April 3, 1852.]

WHEREAS the Legislature of this Island,  
by the Act of the Eighth Victoria,  
Chapter Twenty-two, intituled *An Act for ap-  
propriating certain Moneys therein mentioned, for  
the service of the Year of our Lord One thousand  
eight hundred and forty-five*, granted the sum of  
One hundred and fifty Pounds to the *Central  
Agricultural Society* for the purchase and Im-  
portation of an Entire Horse, to be sold on ar-  
rival at Public Auction, under certain con-  
ditions, one of which was that the said Horse

8 Vic., cap. 22.

should not be exported from this Island: And whereas an Entire Horse called *Saladin* was purchased and imported by the said Society, and sold by Auction to the Honorable *William Walter Irving*, on or about the Twenty-ninth day of *November*, One thousand eight hundred and forty-five, who, together with the Honorable *Stephen Rice*, and *William Forgan*, Esquire, became bound to our Sovereign Lady the Queen, Her Heirs and Successors, in the sum of Four hundred and forty Pounds, to observe the conditions of the said Grant, and not to export the said Horse, or suffer the same to be exported from this Island: And whereas it is deemed expedient to authorise the *Royal Agricultural Society* to discharge the said Bond on certain conditions: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall be lawful, after the passing of this Act, for the President and Committee of the *Royal Agricultural Society* of *Prince Edward Island* to cancel the said Bond, and to allow the said Horse *Saladin* to be exported from this Island, on the parties therein bounden, or others equally responsible, undertaking, under a like Penalty, within Fourteen Days after the Horse shall be exported, to import into this Island, in lieu thereof, some other Entire Blood Horse, to be approved of by the said Society, and not to export the said last mentioned Horse, so to be imported, without leave and permission to be granted therefor by the said Society.

President, &c.,  
of Society may  
cancel Bond,  
prohibiting ex-  
portation of the  
Horse *Saladin*,  
on certain con-  
ditions.

## CAP. X.

An ACT to consolidate and amend the  
Laws now in force relating to Division  
Fences.

[April 3, 1852.]

**B**E it enacted, by the Lieutenant Governor,  
Council and Assembly, and by the authority of the same, as follows:

I. An Act passed in the Thirty-first Year of the Reign of King George the *Third*, intituled *An Act for compelling persons owning Land adjoining each other to make their respective parts or proportions of the Fence between them, and for empowering the Grand Jury to nominate Fence Viewers*, and also an Act passed in the Tenth Year of the Reign of King George the *Fourth*, intituled *An Act to alter and amend an Act made and passed in the Thirty-first year of the Reign of His late Majesty, intituled "An Act for compelling persons owning Lands adjoining each other to make their respective parts or proportions of the Fence between them, and for empowering the Grand Jury to nominate Fence Viewers,"* be, and the same are hereby respectively repealed.

Repeals 13 Geo.  
3, cap. 7, and

10 Geo. 4, cap.  
5.

II. The Owner or Occupier of any Field or Lands, adjoining the Lands or Fields of another, enclosed or improved, shall be obliged to build and maintain his proper part or proportion of Fencing, with a good and sufficient Fence, Four feet and a half high, on that part of such Land as adjoins his own; and in case he shall neglect or refuse to do so, after Thirty Day's notice to that effect, the other party may apply to the two Fence Viewers, who shall be the nearest in the County wherein the improved

Owners of fields adjoining, to make and maintain their respective proportions of Fencing.



Duty and power  
of Fence View-  
ers.

Lands or Fields may be to the same Lands or Fields, who are hereby authorised and required forthwith, after such application shall have been made, to view the said Field or Lands, so proposed to be fenced, or the Fence requiring repair, and shall grant a Certificate of the same to the complaining party, who is hereby empowered to cause such deficient Fence to be erected and made, or otherwise to repair any Fence already made, if the same shall appear by such Certificate to be insufficient; and the person who, of right, ought to have erected or maintained such Fence shall be liable to pay to the Complainant double the amount of the expenses, costs and charges, expended in the doing thereof, to be ascertained by the said Fence Viewers, and to be recovered on the Oath of one or more credible witness or witnesses, by the party Complainant, before any one or more of Her Majesty's Justices of the Peace.

Delinquent party  
to pay double  
expenses.

Made of proce-  
dure, where  
Fences are pro-  
strated or des-  
troyed.

III. Provided always, that in all cases where any such Fence shall be prostrated or destroyed, or otherwise so injured by storm, accident, design or natural decay, as to afford no defence to the Lands, then it shall be lawful for either party, owning or occupying the Lands or Field between which such Fence may have stood, to give notice to the other party to repair or make good his proportion of the said Fence; and should the party to whom notice is so given in such last mentioned case, neglect or refuse to repair or make good the same, within Twenty-four hours after such notice, the party giving the notice shall, and he is hereby authorised to call upon the two nearest Fence Viewers in the County, as aforesaid, who shall, and they are hereby empowered and required immediately to view the prostrate or injured Fence, and grant a Certificate as aforesaid; and the complaining

Person neglect-  
ing to make  
good his pro-  
portion of such  
Fence, liable to  
pay double the  
expenses incur-  
red in replacing  
the same.

party may proceed thereon in the same manner as in the last preceding Section mentioned, to renew, erect and repair the Fence, if it shall appear by such Certificate to require the same; and the person neglecting or refusing to make the said Fence, as aforesaid, shall be liable to pay to the Complainant double the amount of the expenses, costs and charges incurred in the doing thereof, to be ascertained by the Fence Viewers as aforesaid—the same to be recovered by the party complaining before any one or more of Her Majesty's Justices of the Peace, on the Oath of one or more credible witness or witnesses.

Mode of recovery thereof.

IV. Where the adjoining Owners or Occupiers of enclosed or improved Lands or Fields differ as to the part or proportion of a Division Fence to be made or maintained by each or either of them, either party having previously given notice thereof to the other, may apply to the two nearest Fence Viewers as aforesaid, who are authorised and required thereupon forthwith, after such application shall have been made, to view the Lands or Fields proposed to be fenced, or the Fence requiring to be maintained, and to decide and define which part or proportion of the Fence shall be erected or maintained by each Owner or Occupier; and such Fence Viewers shall grant a Certificate thereof to the Owner or Occupier making the application, who shall serve a copy thereof on the other party, and thereafter the part or proportion allotted to each Owner or Occupier by the said Fence Viewers in such Certificate shall be the part or proportion of the Fence which such Owner or Occupier shall be obliged to erect or maintain.

In case of difference, Fence Viewers to define proportions of Fence to be erected and maintained by each party.

V. Where the Owner or Occupier of cultivated or improved Lands, adjoining the unculti-

Occupier of unimproved Lands

to maintain his proportion of Fence, in certain cases.

vated or unimproved Lands of another, shall have erected a Division Fence between such improved and unimproved Lands, and the Owner or Occupier of the unimproved Lands shall afterwards make use of such Division Fence, by running a Cross Fence therefrom or connecting the same therewith, and enclosing such unimproved Lands, whether for the purpose of Pasture or otherwise, then he shall thereafter be deemed to be within the meaning of this Act, and shall be obliged to maintain his share or proportion of such Division Fence—the same as if such unimproved Lands, so enclosed for Pasture or otherwise, were actually improved and cultivated: Provided always, that it shall be lawful for the party who shall have first made the Fence adjoining such unimproved Lands to call on the Fence Viewers of the District to put a value on such parts of such Fences as are available for the use of the person making such Cross Fence as aforesaid, who shall charge the last mentioned person with half the amount of such value so assessed, to be paid to the person who originally made such Line Fence—which amount shall be recovered before any one or more of Her Majesty's Justices of the Peace, on the Oath of one or more credible witness or witnesses.

Party who originally made Line Fence may, after valuation, recover one-half the amount thereof.

Owners of unimproved Lands, except in certain cases, not obliged to make any part of Division Fence.

VI. When it shall happen that the Lands adjoining cultivated or improved Lands shall be Wood or Burnt Lands, and not under any improvement, then, except in the cases in the last preceding Section of this Act mentioned, the Owner or Occupier of such Wood, burnt or unimproved Lands, shall not be obliged to make any part of a Fence against or on the same.

Fence may be made of such

VII. Where adjoining Owners or Occupiers have mutually agreed upon the part or propor-

tion of the Fence to be made or maintained by each, or where the same has been decided upon by the Fence Viewers as aforesaid, then each Owner or Occupier may make or maintain his share in such manner and of such material as he may think proper, being either of Stones, Boards, Logs, Pickets, Poles or Posts, and Rails, or by Dykes or Banks; and if by Dykes or Banks, then he shall be entitled, for the purpose of constructing the same, carefully and properly to excavate the requisite quantity of Earth to make the same equally from his own and his Neighbour's Lands or Fields next to or adjoining the Division Line; but it shall, in no case, be lawful for him to excavate or dig into the adjoining Owner's or Occupier's Lands or Fields further than to the distance of six feet from the Division Line; and such Dyke or Bank shall be centered on the said Line: Provided also, that all such Fences, whether with Dykes or Banks, or otherwise, must be good and sufficient, and of the requisite height pointed out in the former part of this Act.

material as the owner thereof may think proper.

How Dykes, &c., are to be constructed.

All such Fences must be good and sufficient.

VIII. So much of the last preceding Clause of this Act as authorises an Owner or Occupier of Lands to construct his share or proportion of the Division Fence between his and his Neighbour's Lands or Fields, by constructing Dykes or Banks, and regulates the mode in which the same may be done, shall not extend or be construed to apply to Lands within *Charlottetown*, *Georgetown* or *Princetown*, or the Commons thereof respectively.

Provision of last preceding Section not to apply in certain cases.

IX. Each Fence Viewer shall be entitled to Five Shillings a Day for each Day he shall have been employed, in any manner as in this Act mentioned, for his time and trouble expended therein, which shall be paid equally by each of

Allowance to Fence Viewers.

Penalty on  
Fence Viewers,  
for neglect of  
duty.

the adjoining Owners or Occupiers; and if any Fence Viewer shall neglect any duty imposed on or required of him by this Act, when duly notified, he shall forfeit Twenty Shillings for each and every offence to the party aggrieved, to be recovered before any one or more of Her Majesty's Justices of the Peace, on the Oath of one or more credible witness or witnesses.

Meaning of the  
words "owner"  
or "occupier."

Notice, requir-  
ing erection of  
Fence, how  
given.

X. Wherever in this Act the Owner or Occupier be required to erect or maintain a Division Fence, or his share or proportion thereof, it shall be understood to mean the Occupier, in the first instance; and if no Occupier, then the Owner;—and notice requiring the erection or repair of a Fence, in manner as herein before set forth, shall be given to the Occupier, or if no Occupier, then to the Owner, or if more than one Owner or Occupier, then to any one of them, or his or their Agent, respectively.

Continuance of  
Act.

XI. This Act shall continue and be in force for Ten Years from the passing thereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

## CAP. XI.

### An ACT to prevent the Stealing of Dogs.

[April 3, 1852.]

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, as follows:—

Persons stealing  
Dogs, &c., how  
punished.

I. Every person who shall steal any Dog from the owner or person entrusted by the owner with such Dog, or who shall sell, buy, receive, harbour, detain or keep any Dog, knowing the

same to have been stolen, shall, on conviction thereof, on the Oath of one or more Witnesses, or by Confession of the Offender, before any two of Her Majesty's Justices of the Peace for the County wherein the offence shall be committed, forfeit and pay for the first offence, any sum not exceeding Five Pounds, nor less than One Pound, as to such Justices shall seem meet, together with the costs and charges of Conviction, to be ascertained by such Justices, according to the Scale prescribed in the Act for the punishment of common assaults; and if such Penalty be not forthwith paid, such Justices shall commit the Offender to the Common Jail of the said County, for any period not exceeding Two Calendar Months, or until the said Penalty and charges are sooner paid; and every person so convicted, who shall be again convicted of a like offence, shall suffer Imprisonment, to be accompanied with Hard Labour, for any period not less than One Month, nor more than Three Months, in the discretion of such Justices.

Penalty in such cases.

Penalty not being paid, offender to be committed to Jail.

Subsequent offence, how punished.

II. Any one Justice of the Peace for the County wherein the offence shall be charged to have been committed, shall and may, on information to him for that purpose, grant a Warrant to search for any Dog so stolen; and if such Dog or his Skin shall be found, shall restore the same to the Owner, and the person in whose custody such Dog or Skin shall be found (if it appear that he was privy to such Dog having been stolen, or to the Skin being that of a stolen Dog), shall be subject to the Pains and Penalty by this Act imposed, as the same are provided against a first and second offence respectively, according to the number of the offence.

Justice of the Peace to grant Warrant to search for stolen Dog.

Person having such Dog in his possession, knowing the same to have been stolen, how punished.

## CAP. XII.

## An ACT to continue an Act for the Encouragement of Education.

[April 3, 1852.]

10 Vic., cap. 9.

15 Vic., cap. 13.

Continues first  
recited Act for a  
limited period.On the Act, 15  
Vic., cap. 13,  
coming into op-  
eration, said  
Act shall ex-  
pire.

WHEREAS the Act passed in the Tenth Year of the Reign of Her present Majesty Queen *Victoria*, Chapter Nine, intituled *An Act for the encouragement of Education*, will, unless further continued, shortly expire, and an Act intituled *An Act for the Encouragement of Education, and to raise Funds for that purpose, by imposing an additional Assessment on Land in this Island, and on Real Estate in Charlotte-town and Common and Georgetown and Common*, has been passed during the present Session of the General Assembly of this Island, which will not go into operation until Her Majesty's pleasure therein be known and notified, and a Proclamation of the Lieutenant Governor of this Island be published in the *Royal Gazette* Newspaper of this Island, calling the same into operation, as therein more particularly specified: And whereas it is necessary that the first above recited Act should, in the meantime, be continued: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said recited Act of the Tenth *Victoria*, Chapter Nine, shall be, and the same is hereby continued for the space of One Year from the passing hereof, unless the said recited Act, so passed during the present Session, shall go into operation, as therein mentioned, before the expiration of the said term of One Year—in which case, and immediately thereafter, the said Act of the Tenth *Victoria*, Chapter Nine, shall expire, and be no longer of any force or effect—

anything herein contained to the contrary notwithstanding.

### CAP. XIII.

An ACT for the Encouragement of Education, and to raise Funds for that purpose, by imposing an additional Assessment on Land in this Island, and on Real Estate in *Charlottetown* and *Common*, and *Georgetown* and *Common*.

[April 3, 1852.]

**W**HEREAS the Laws now in force relating to Education, and for the encouragement and support of District and other Schools, will shortly expire, and it is desirable to provide for a system of Free Education throughout this Island:—

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same, as follows:—That after this Act shall go into operation it shall be lawful for the Lieutenant Governor, by and with the advice and consent of Her Majesty's Executive Council of this Island, to nominate and appoint seven fit and proper persons to be and constitute a Board of Education, three of whom (including the Secretary of the Board) shall be a quorum—which Seven Persons, so to be appointed, shall meet four times in each year, that is to say, on the last *Thursday* in the Months of *January*, *April*, *July* and *October*, and shall give notice of the place and hour of every such Quarterly Meeting, by advertizing the same in the *Royal Gazette* Newspaper of this Island, at least Thirty Days previous to

Lt. Governor, &c., to appoint seven persons to constitute a Board of Education.

Quorum.

Times of meeting of Board.

Notice of such Meetings, how given.



Board may meet on such other days as they may deem necessary.

such Meetings; and the said Board may meet on such other and further days as they may deem necessary, from time to time, without such notice being required to be given.

Board to appoint a Secretary.

Allowance to such Secretary.

Allowance to other Members of the Board.

II. That the said Board shall nominate and appoint one of their number as Secretary of the Board; and the said Secretary shall be paid the sum of Thirty Pounds, *per annum*, in half-yearly payments, for his services, and to provide necessary Stationery, and for other contingent expenses; and each other Member of the Board shall receive Four Pounds yearly for his services, subject to a deduction of Twenty Shillings for every time he shall be absent from the said Board at any of its Quarterly Meetings.

Board, or any Member thereof, may be removed or suspended at any time, &c.

Vacancies in Board, how filled up.

III. That it shall and may be lawful for the Lieutenant Governor, by and with the advice aforesaid, at any time to remove or supersede any Board of Education appointed as aforesaid, or any Member thereof, and nominate and appoint a new Board of Education, or new Member thereto, instead of the old Board or Member thereof, so removed or superseded; and when and so often as any vacancy shall occur in such Board, by any death, dismissal, removal or otherwise, it shall and may be lawful for the Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Executive Council of this Island, to appoint a fit and proper person to fill up such vacancy.

District Teacher or Schoolmaster to submit to an Examination, prior to his obtaining Certificate of qualification.

IV. That any person who may be a Candidate to become a District Teacher or Schoolmaster in this Island, shall, on one of the Quarterly Meetings of the said Board, or on any other day which the said Board shall appoint, submit himself to an examination before

such Board ; and if the Board shall be satisfied with his Qualifications, they shall give him a Certificate of his having passed such Examination: Provided always, and be it enacted, That the said Board shall in no case examine or grant a Certificate to any person who shall not have produced to the said Board a Certificate of good moral character, signed by at least two persons of respectability, one of whom shall be a Clergyman or Justice of the Peace, resident in the neighbourhood where the applicant may have last resided, or usually resides.

Certificate of good moral character to be produced prior to examination.

V. That there shall be only Two Classes of District School Teachers or Masters, who shall be licensed to teach in this Island; of whom the first or lowest Class shall be competent to teach Book Keeping, English Grammar, Reading, Writing, Arithmetic and Geography without the Use of the Globes; and of whom the second or highest Class shall, in addition thereto, be competent to teach Algebra, Geometry, Trigonometry, Mensuration, Land Surveying and Navigation, Geography, with the Use of the Globes; and Candidates for either Class shall prove their capability of teaching before the said Board by producing a Certificate thereof, signed by the Head Master of the Central Academy, or in his absence, by either of the other Masters of the same.

Classification of District Teachers or Masters.

First Class.

Second Class.

Capability of teaching, how proved.

VI. That no Schoolmaster or Mistress, who shall have been heretofore licensed in either Class previously to the passing of the Act of the General Assembly of this Island, passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act for the Encouragement of Education*, and which will shortly expire, shall be considered, in virtue of such License, as qualified to teach under this Act, any longer

Schoolmasters and Mistresses, licensed previous to the passing of the Act, 10 Vic., cap. 9, not to be deemed qualified under this Act, after a certain period.

New Licenseg.  
how to be ob-  
tained.

than to the termination of the current year, at the time of the passing of this Act, of any Agreement to teach, as notified previously to the passing of this Act, to the Secretary of the Board of Education, appointed or acting under the authority of the said recited Act, unless he or she shall appear before the Board of Education, to be constituted under this Act, in order to be examined, and shall receive a new License or Certificate from such last mentioned Board.

Licensed School-  
master, &c.,  
having been ab-  
sent from the  
Island, or hav-  
ing discontinu-  
ed teaching for  
2 years, to ob-  
tain new Certi-  
ficate from  
Board.

VII. And provided also, that no School-master or Mistress licensed to teach under this or the said recited Act, who shall have been, or may, or shall hereafter be absent from this Island, or shall have discontinued the practice of teaching, or not been employed therein under any agreement to teach, as in this or the said recited Act specified, for the space of Two Years together, shall hereafter be permitted or be qualified to teach under this Act, unless he or she shall again appear before the said Board of Education and be examined, and receive a new Certificate or License as aforesaid.

Teachers found  
disqualified un-  
der this Act,  
may attend at  
Central Acade-  
my to receive  
instructions for  
a limited period  
free of all fees.

VIII. That any person who heretofore under any Act of the General Assembly of this Island may have been licensed to teach as a District Teacher, and shall hereafter present himself before the said Board of Education in order to be examined, and to obtain a License or Certificate to teach under this Act, and shall not be found qualified to obtain the same, shall be entitled to attend at the Central Academy in *Charlotte-town*, and to receive instructions from the Masters there, in order to enable him to qualify, for a period not exceeding Six Months, after being refused such License or Certificate, free of all Fees.

IX. That it shall be the Duty of the Board of Education, to be constituted under this Act, assisted by the Visiter of Schools, to be appointed as hereinafter mentioned, to prepare suitable forms and regulations for making all returns required by this Act, and conducting all necessary Proceedings thereunder, and to cause a copy of the same, with such instructions as they shall deem necessary for the guidance of all District and other Schools, the same not being inconsistent with the Provisions of this Act; as also a Copy of so much of this Act as relates to Education, and regulates District Schools and Teachers, to be furnished to each Teacher from time to time, having an engagement to teach under this Act; which Act and Documents shall be at all times kept in each School House by the Teacher, and not be removed therefrom, but be open to the inspection of the Trustees of such School, and all persons authorised by Law to visit the same.

Duty of Board of Education, and Visiter of Schools.

X. That upon any complaint being made to the Board of Education, of gross misconduct or neglect of duty on the part of any person holding a Certificate as a District Teacher under the herein before recited Act, or under this Act, the said Board, after due investigation and satisfactory proof thereof had, shall have power to cancel and revoke the Certificate held by such District Teacher as aforesaid; and shall also have the same power, if any Teacher under this Act, having entered into an engagement to teach in any District, as hereinafter mentioned, do not complete the whole term of his engagement, unless prevented from so doing by sickness or other incapacity, or unless the said engagement be dissolved by order or permission of the Board.

Empowers Board to cancel Teacher's Certificate in certain cases.

No sum to be demanded for the instruction of Children attending Schools, the Teachers whereof receive pay under this Act, except in certain cases.

XI. That after the passing of this Act, no sum or amount per head, or otherwise, shall be demanded on behalf of any Child attending any School, the Teacher whereof shall receive pay under the authority of this Act, save and except as in such cases as are hereinafter mentioned and excepted.

National School, how regulated.

XII. That the *National School* in *Charlottetown* shall be subject to such regulations as shall be made by the Board of Education respecting the same, and to the provisions made in the last preceding Clause of this Act.

Area of School Houses.

XIII. That every School House within the meaning of this Act, if erected before the passing of the hereinbefore recited Act, shall not be less in clear area than One hundred and sixty-eight Square Feet; and if erected after the passing of the said recited Act or this Act, shall not be in clear area less than Two hundred and fifty-six Square Feet.

School Houses may, with consent of a majority of the Trustees, be used as a place of public Worship, &c.

XIV. That any such School House as aforesaid may be used as a place of Public Worship, or for any other lawful Public Meeting, by and with the consent of the majority of the Trustees thereof, and at such time as they may appoint, provided it shall not interfere with the teaching of the Scholars therein; and the Teacher or Master of any School District may, with the consent of a majority of the Trustees thereof, make use of the School House therein, for the purpose of teaching Night or Evening Classes therein for his own profit and benefit, provided it shall not interfere with his duties hereunder.

Master may, with like consent, teach night or evening Classes therein.

XV. And whereas it is desirable to provide for the proper choice of School Districts, and definitions of the extent and boundaries there-

of, and for the proper choice of the sites of School Houses: Be it therefore enacted, That when and so often as the Inhabitants of any Settlement, Township or District, shall desire the erection of a new School District near to their place of residence, and not less than Five of such Inhabitants, being Householders, shall make request in Writing, notifying such their desire to the said Board of Education, then it shall be the duty of the said Board of Education to nominate and appoint a Justice of the Peace or Commissioner for the Recovery of Small Debts resident near to, but not being a party interested in such proposed District, to examine into the same; and it shall be the duty of such Justice or Commissioner, after notice of his intention for such purpose having been duly posted for at least Six Days, in three of the most public places in the Settlement or District where such Inhabitants shall reside, to attend at such place, and there personally to make such enquiry, in such manner and to such extent as by him shall be deemed requisite; and thereupon to fix and determine upon the most proper and eligible site or sites for such School House or School Houses, and the proper Limits and Boundaries of the District or Districts thereof, and shall report upon such his opinion and determination in Writing, under his Hand, to the said Board of Education, whose decision thereon shall be conclusive; and if the said Board shall approve of the erection of any such School District, and the requisite Funds for the support thereof can be obtained, they shall notify the same to the said Inhabitants; and on the other requisites for School Districts under this Act being complied with, shall cause the said District to be registered in the Book to be kept by the Secretary, as hereinafter mentioned.

Mode of determining sites for School Houses, and limits of School Districts.

Justice's or  
Commissioner's  
Fees.

XVI. Every Justice of the Peace or Commissioner who shall be nominated and appointed for the purpose or purposes in the last preceding Clause mentioned, shall be entitled to demand and recover from the Applicants, for his trouble, the sum of Eight Pence per mile for each mile travelled by him to and throughout such proposed School District; and the sum of Five Shillings for his Report in Writing, and for transmitting the same to the Board of Education.

Duty of Secretary of Board of Education.

Duty of Inhabitants of School Districts.

Further duty of Secretary of Board.

School Districts to be registered within Three Months after notification of determination of Board respecting the same.

School Districts not to exceed Two hundred, unless sanctioned by special order of Governor or in Council.

XVII. It shall be the duty of the Secretary of the Board of Education to keep a Book or Register in which, from time to time, shall be entered the several School Districts in this Island, properly constituted, and being in operation, and having a Teacher therein entitled to support under this Act; and it shall be the duty of the Inhabitants or Teacher of all School Districts heretofore established, and claiming support under this Act, within Three Months after the same shall go into operation, as hereinafter mentioned, to cause the particulars and extents thereof to be forwarded to the Secretary of the Board of Education, who shall thereupon enter and register the same in rotation as they come into his Office, in his said Book or Register; and all School Districts erected after this Act shall go into operation, shall be entered and registered within Three Months after the day when the determination of the said Board of Education shall be notified respecting the same, as hereinafter mentioned; and when the number of Districts entered, registered and claiming support under this Act shall amount to two Two hundred, then it shall not be lawful for the said Board to sanction the erection of any new District; nor shall such District or Teacher therein be entitled to any allowance

under this Act until the same has been referred to the Lieutenant Governor in Council, and the erection of such District and granting of such allowance shall have been sanctioned by a special Order made by the Lieutenant Governor, by and with the advice and consent of Her Majesty's Executive Council, directed to the said Board of Education.

XVIII. The Inhabitants of any School District within this Island, who shall have provided a School House therein, in conformity nevertheless with all the provisions of this Act, shall and they are hereby required to nominate and appoint Five Trustees, Three of whom shall be a quorum, to examine the said School quarterly in each Year, and at all times in conjunction with the Visiter of Schools, hereinafter to be appointed, to enquire into the order, and direct the discipline and regulation of such School, and also to give any such Licensed Teacher who has had the management thereof, the necessary Certificates required by this Act.

Inhabitants of School District to appoint Five Trustees annually.

Quorum.

Duties of Trustees, &c.

XIX. Every Schoolmaster or Teacher who shall hereafter be engaged as a District Teacher in this Island shall be obliged, and he is hereby required, within Twenty Days after his entering into such engagement, to transmit to the Secretary of the Board of Education a Notice thereof, in Writing, in the form in the Schedule to this Act annexed, marked (A), set forth, stating the date at which he shall have entered into such engagement; which notice shall be countersigned by at least Three of the Trustees of the School to which he may be so appointed; and such engagement shall in no case be entered into for a longer or shorter term than Twelve Months from the commencement thereof.

District Teacher to transmit notice of his engagement to Secretary of Board.

Form of such notice.

Notice to be countersigned by Trustees of School.

Duration of engagement.



Trustees may assess all householders resident in School District for Six Months previous to assessment.

Objects of assessment.

Mode of recovery and application thereof.

XX. In each School District so appointed as aforesaid, a majority of the Trustees thereof shall have power to assess the Inhabitants, Householders resident therein, and who shall have been so resident for Six Months previous to making such Assessment, in a sum to provide the necessary Books directed to be found by the School Visiter, to be appointed as hereinafter mentioned, and for the necessary repairs of the School House, together with the Fuel and Furniture required therein; and such Assessment shall be recoverable, with Costs, as in the Thirty-second Section of this Act directed, and when recovered shall be applied for the purposes for which the same shall be levied.

Two Trustees to go out, in rotation, annually, and two others to be elected in their stead.

Outgoing Trustees may be re-elected.

Secretary of Board of Education to be notified of proceedings.

XXI. Two of the Trustees of every School appointed in pursuance of this Act shall, in rotation, go out in each year, on the First Day of July in each year, commencing with the Two Members first nominated and appointed; and the Inhabitants of such District wherein is the School to which they shall have been appointed Trustees, shall thereupon elect Two other Trustees in their stead, having the like power and authority: Provided, nevertheless, that if the said Inhabitants think fit, they may re-appoint, at the bottom of the List, such Trustees so going out by rotation; and immediately after such Election or Re-election, and whether new appointments be made or not, the Trustees of such School shall notify the proceedings to the Secretary of the Board of Education.

Engagement to teach, how entered into, &c.

XXII. Every engagement to teach in any School District in this Island, now or hereafter to be constituted, shall be duly made and entered into in Writing between the Master or Teacher and the Trustees of the District appointed hereunder.

**XXIII.** It shall and may be lawful for the Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Executive Council, after this Act shall go into operation, to nominate and appoint one fit and proper person to be Visiter of all the Public Schools in this Island during the continuance of this Act, and to displace any such person so appointed, and to appoint another in his place; and in case of any vacancy occurring by death, removal or otherwise, to appoint another person, to fill up such vacancy; and such School Visiter shall not be engaged in Trade or Business whilst holding such situation, under the superintendence of the aforesaid Board of Education; and his duty shall be, to visit all such Schools at least twice in every year, and assist the Board of Education to prescribe the course of Education to be pursued in such Schools, and the Books, Diaries, List of Attendances and other Records necessary to be kept therein, and to order what Books shall be used in the Schools—what shall be the hours of attendance of the Scholars and commencement of Terms, and other necessary details connected with the management of the Schools; and such Visiter shall have power, and he is hereby directed, whenever he shall see fit, to call Meetings of the respective Trustees connected with the Schools, and to make a Report in Writing, of every visit, to the Board of Education, stating therein the condition of every School, the method of teaching practised therein, the number of Scholars, state and description of School Houses, and such information as he may deem it necessary to give; and whether in such Schools the provisions of this Act, and the orders made for their guidance by the said Board of Education have been complied with, and such other information as he may deem it necessary to give; and it shall be lawful for

One Visiter of Public Schools to be appointed, on Act going into operation, who may be displaced, and another appointed in his stead.

Vacancies, how supplied.

Visiter not permitted to engage in Trade, &c.

Visiter's duty.

Empowers Visiter to call Meetings of Trustees.

Visiter to report to Board, in writing, after every visit.

Particulars of Report.

Duty of Board  
of Education,  
with reference  
to such Reports.

and the Duty of the Board of Education to extract and furnish to each Branch of the Legislature, within Fourteen Days after the meeting thereof, such parts of the said Visiter's Reports, including the Statistics thereof, as they may deem necessary, together with, if they shall see fit, their own remarks thereon; and a copy of such extracts and remarks shall be annually published in the *Royal Gazette*, Newspaper.

Salary of School  
Visiter.

XXIV. The Salary of such School Visiter shall be Two hundred Pounds per annum, to be paid to him quarterly from the date of his first appointment, by Warrant under the Hand and Seal of the Lieutenant Governor, drawn on the Treasurer of this Island in the usual manner, on producing the Certificate of the Board of Education of his being entitled to receive the same.

School Houses  
to be, at least,  
Three Miles a-  
part, to entitle  
Teachers to  
maintenance  
under this Act.

XXV. Every School House, the Teacher in which claims maintenance under this Act, must be at least Three Miles distant, in every direction, from any other School House erected or constructed under this Act, in order to entitle the Teacher to the said maintenance; and in every engagement entered into on behalf of the Inhabitants of any School District as aforesaid, it must be stated if such be the case, and made distinctly to appear that there is no other School House under this Act within Three Miles from that, in respect of which such engagement is made: Provided always, nevertheless, that where the peculiar circumstances, population or position of any District may render it desirable to have Two School Houses nearer together than Three Miles, it shall be lawful for the Lieutenant Governor, with the consent of Her Majesty's Executive Council of this Island, if the same shall be deemed neces-

Lt. Governor,  
&c., may make  
a special order,  
in certain cases.

sary, and on the application of the Board of Education, to make a special order to that effect, and thereupon the School mentioned in such order shall be entitled to support under this Act.

XXVI. No Schoolmaster or Teacher shall be entitled to any allowance by virtue of this Act, excepting Teachers mentioned in the Twenty-eighth, Thirty-ninth, Forty-first, Forty-second and Forty-sixth Sections thereof, unless the Inhabitants of his School District shall have first provided a sufficient School House, to be exclusively used for that purpose, except as herein provided for, and also that he shall have had under his tuition at least Thirty Scholars, during the space of Six Months immediately preceding the period of his claiming such allowance.

Teachers entitled to allowance under this Act.

XXVII. If at any time the School Visiter hereby to be appointed shall, on visiting any School supported under this Act, except those Schools mentioned in the Twenty-eighth Section of this Act, find that the attendance of Scholars does not amount to thirty, then the said Visiter shall declare the said School closed, so far as regards this Act, and the annual allowance for the support of the same and payment of the Teacher shall be suspended; but if on his next Visitation he shall find the due number of Scholars again in attendance at such School, he may, with the concurrence of the Board of Education, order the same to be re-opened, and shall notify the said Board thereof, and of the proportion of the allowance which, in his opinion, may be due to the Schoolmaster superintending such School.

School Visiter may declare Schools closed, in certain cases, when the annual allowance for the support of the same shall cease.

Visiter may, on finding the requisite number of Scholars in attendance, with the concurrence of the Board of Education, order such Schools to be re-opened.

Settlements not containing the requisite number of Scholars, how provided for.

XXVIII. And whereas there are certain Settlements in this Island where the requisite number of Thirty Scholars cannot be found within the limits of a School District, as hereinbefore defined, then, and in such cases, on a Written Requisition made by the Inhabitants thereof to the Visiter of Schools appointed under this Act, it shall be the duty of the said Visiter to make inquiry into the circumstances of such application, and as to the number of Children, within the ages of Five and Sixteen Years, within One and one-half Miles of a central part, to be indicated by such Inhabitants, or agreed upon in conjunction with such Visiter; and the said Visiter shall make a Report thereof, in writing, to the said Board of Education, who, having duly considered the circumstances of the case, may, if they shall think proper so to do, and subject to the approval of the Lieutenant Governor in Council, authorise the engagement of a Licensed Teacher or Master in any such Settlement, and the erection of such Settlement into a School District, and Registration thereof, as aforesaid; and Trustees may thereupon be appointed for such Settlement, in the same manner as in other cases, and may be annually elected, and shall have the same powers as Trustees appointed under this Act, in other Districts where the requisite number of Thirty Scholars can be found; and such Licensed Teacher, so engaged to teach in Districts where the number of Scholars is less than Thirty, shall also be subject to the same rules and regulations as in cases where there are Thirty Scholars, and shall be entitled to receive from the Treasury of this Island, on production of Certificates signed as in other cases under this Act by the Trustees of the District and the Secretary of the Board of Education, the sum of Twenty Shillings, per head, *per annum*, for

Trustees to be appointed, and to have same powers as in other cases.

Teachers in such Schools subject to the same Rules, &c., as where Thirty Scholars are taught.

Allowance to such Teachers.

each Scholar taught by him—said Certificate to state the number of Scholars actually taught.

**XXIX.** Whenever it shall appear to the Visiter of Schools that there is any District in this Island not provided with the means of Education, and the number limited or to be limited of School Districts hereunder not being established, it shall be his duty to report the same, and to define and point out the extents and limits thereof to the Board of Education—who, having made due inquiry therein, shall, if they think fit, constitute and register the same as a School District, and direct the said Visiter to call a Meeting of the Inhabitants of such District, in order that they may elect Trustees for the same, whose duty it shall be, and they are hereby authorised, to assess the Inhabitants, being Householders, in the sum necessary for the erection and furnishing of a School House therein, of the dimensions herein before mentioned, and for a supply of Books—which Assessment shall be recoverable from any party or parties neglecting or refusing to pay the same, in manner as directed in the Thirty-second Section of this Act, with like right of revision and readjustment thereof, and otherwise, as in such last mentioned Section enacted; and when recovered, shall be applied to the purposes for which the same may have been assessed.

School Visiter to report Settlement destitute of the means of Education.

Board may constitute and register the same as a School District, &c.

Visiter to call Meeting of Inhabitants to elect Trustees.

Trustees to assess Inhabitants for erection of School House, &c.

Mode of recovery and application of assessment.

**XXX.** All Teachers, while conforming to the Provisions of this Act, shall be exempt from Statute Labour and Militia Duty.

Exempts Teachers from performance of Statute Labour and Militia duty.

**XXXI.** In all cases, the Vacations of each School under this Act shall be Three in number in each Year, and at the respective periods following (that is to say), the first, for One Week, in *June*; the second, for One Week, commen-

Number of Vacations in each year.

First Vacation.

Second Vacation.  
Third do.

No deduction to be made from Teacher's Salary on account of such Vacations.

Every alternate Saturday to be allowed as a Holiday.

cing on the second Monday in *October*; and the last, from the Twenty-fourth day of *December* to the Sixth day of *January*—both inclusive; and no deduction shall be made from the Salary to be paid to such Schoolmaster, nor any time added to the period of his service, on account of such Vacations being allowed; and every alternate *Saturday* in each week shall be allowed as a Holiday to the Teacher in each District School, without any deduction being on account thereof made from his Salary.

Board of Trustees to keep a record of their proceedings.

First appointment of Trustees, how minuted.

Minutes of future Meetings to be signed by Three Trustees.

Particulars of all Assessments to be entered in Minute Book, and signed by Three Trustees.

XXXII. Every Board of Trustees of School Districts appointed under the said recited Act, or to be appointed under and by virtue of this Act, shall keep a Book or Record, in which their proceedings shall be entered; and the minutes of the first appointment hereafter to be made of Trustees, in any District, after their election as aforesaid, and their names, shall be entered and signed by the School Visiter, or Chairman of the Meeting of Inhabitants at which such Trustees were elected, in such Book or Record, which shall afterwards be so kept by the Trustees as aforesaid; and when so signed, such appointment shall be held and be deemed to be good and valid; and minutes of future Meetings and Proceedings, Elections and Re-elections, shall be entered therein, and signed by any Three of the Trustees for the time being; and the particulars of all Assessments made by any such Trustees shall be also duly entered and signed by any three of them; and if any such Assessment shall not be paid by any party liable to pay the same within Ten Days after a demand thereof made upon or at the residence of the Debtor, and after an Order thereof made in writing, under the hands of a majority of said Trustees, and produced to the Debtor, or after the said Order or a Copy thereof shall have

been left at his Dwelling House, that then and in every such case the said Trustees, or any one or more of them, or such other Person as the majority of them may appoint, and in the name of any one or more of the said Trustees, may sue and prosecute the Debtor before any Court appointed for the Recovery of Small Debts or Justice of the Peace, by Summons or otherwise, under such regulations as are by Law prescribed for the Recovery of Small Debts; and it shall be lawful, at the hearing of such cases, for the Defendant, if he shall see fit, to plead the inequality of the Rate—provided he give notice of his intention so to do, in Writing, to the Trustee or Trustees, or other person in whose name the Summons shall have been taken out, within Twenty-four hours after the serving of the same; and if he shall so plead, then it shall be lawful for the said Court for the Recovery of Small Debts or Justice of the Peace before whom the Summons shall be returnable, to hear such evidence as may be adduced by either party, and to vary the amount of the Rate, and make an Order for such amount of payment as justice may require: Provided, nevertheless, that if the Defendant making such plea shall have, at any time theretofore, acquiesced in the justice or equality of such Rate, by having, on occasion of any former Assessment, paid his proportion or quota thereto, or any part thereof, then such Court or Justice of the Peace shall not permit the same to be heard, or any evidence connected therewith to be adduced, but order the reasonable Costs incurred on either side to be paid by the Defendant.

Mode of recovery of Assessment.

Defendant may plead the inequality of the Rate.

Court may hear evidence—vary amount of Rate, and make such Order as justice may require.

Defendant having acquiesced in Rate, Court not to permit Plea to be heard.

XXXIII. In the event of any dispute between any of the Trustees or Inhabitants of any District and the Teacher, as to his conduct as

Mode of prosecuting complaints against Teachers.



Complaint to be lodged, in Writing, with Board of Education.

Teacher to be furnished with a copy thereof.

Board may examine Witnesses, on Oath, touching such complaint.

Board may supersede Teacher, &c.

Proportion of salary payable thereto.

Teacher, the Trustee or Trustees, or Inhabitants, intending to prosecute such complaint with the view of removing him from the School before the expiration of his Agreement, shall be obliged to lodge, in Writing, with the Board of Education, a statement of such complaint, and at the same time to send a copy thereof to the Teacher; and such Board of Education may inquire into such complaint in such way as to them may seem most fit, and examine Witnesses, on Oath, touching the same; and on such complaint being established, the same Board may, in their discretion, supersede such Teacher, and authorise the Trustee or Trustees of the District to engage another Teacher in his place, although the Term of the Agreement with the Teacher so suspended may not have expired; but such last mentioned Teacher shall, nevertheless, be entitled to receive the proportion of his Salary up to the time of his dismissal.

Every Teacher to keep a Journal.

Particulars of such Journal.

Journal to be open at all times to inspection of School Visiter, &c.

Journal, how finally disposed of.

XXXIV. Every Licensed Teacher shall, hereafter, keep a regular Journal of his School—which shall always be kept in the School House—containing the names and ages, with notes of the progress and attendance, of the Pupils, and which Journal shall at all times be open to the inspection of the School Visiter and Trustees of said School for the time being, and other persons authorised to visit the same, as in the next Section of this Act mentioned, and also of any Member of the Board of Education who may choose to visit any such School; and such Journal shall, at the termination of the Teacher's engagement, be by him or her forwarded to the Secretary of the Board of Education.

Empowers Clergymen, &c., to visit public

XXXV. All Clergymen, Judges, Magistrates, and Members of the Legislature, shall have power to visit any Public School under

this Act, and to inquire into its management or any other subject connected with its prosperity, and may note down, in a Visiter's Book which shall be kept by every Teacher for that purpose, any omission observed in any Department, or other remarks relating to the School.

School's, to inquire into their management, &c.

XXXVI. Each and every Teacher, on depositing, or there being deposited on his behalf, with the Secretary of the said Board of Education, one part of the original Agreement made by him or on his behalf with the Trustees or Inhabitants of any School District, or a true Copy thereof, attested on Oath, with a Certificate, in the form prescribed in the Schedule to this Act, marked (B), endorsed thereon, or thereto annexed, under the hands of a majority of the Trustees of his School, in the manner prescribed by this Act, and that the provisions of this Act, in all respects, have been duly complied with; and also certifying to the good conduct, attention and sobriety of such Master, during the time he shall have kept his School, pursuant to such Agreement—which conduct shall also be thereon certified by one or more Justice or Justices of the Peace, residing near such School—the said Secretary, by and with the concurrence of one other Member of said Board, shall certify the Class to which such Teacher shall belong, and the amount to which by Law and as shall satisfactorily appear by such Certificate the said Teacher shall be entitled; and on the production of such Certificate last mentioned, such Teacher shall be entitled to receive from the Treasury of this Island the respective amounts following (that is to say), if a Teacher of the First Class, at the rate of Forty-five Pounds for teaching for One Year; and if a Teacher of the Second or Higher Class, at the rate of Fifty Pounds for teaching

Teachers depositing original Agreement, or a true copy thereof, with Secretary of Board of Education, &c., entitled to their respective allowances.

Form of Trustees' Certificate.

Secretary and one other Member of Board to certify the Class to which Teacher belongs, &c.

Allowance to First Class Teachers.

Allowance to Second Class Teachers.

for One Year—the same to be paid by half-yearly payments, on production of the Certificates and other requisites aforesaid, by Warrant under the Hand and Seal of the Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Executive Council.

Teachers of the Second Class entitled to receive an additional allowance, in certain cases.

If more than 20 Scholars require to be taught Latin, &c., no greater allowance per annum than £60 to be made therefor.

Before obtaining allowance, Teacher to produce a written return, stating the number of Scholars instructed in Latin and the higher Branches, &c.

XXXVII. Any Teacher of the Second or Higher Class, if he shall, in addition to the necessary qualifications as herein set forth, be qualified to teach Latin, and hold a Certificate from the Board of Education of such qualification, shall, in addition to the rate or allowance to be paid to him by virtue of the last preceding Clause of this Act, be entitled to receive from the Treasury of this Island at the rate of Ten Shillings *per head per annum*, for each Scholar taught and instructed by him in Latin and the higher Branches of Education, as pointed out by the Fifth Section of this Act, up to Twenty Scholars (that is to say), until the annual amount or rate payable to him under this and the last preceding Sections of this Act shall amount to Sixty Pounds, *per annum*, and there the allowance under this Act shall stop; but, nevertheless, if more than Twenty Scholars offer themselves, requiring to be taught Latin and the said higher Branches, the said Second Class Teachers shall instruct them therein, without, in any case under this Act, being entitled to a higher allowance or rate of Annual Salary and Tuition Money than Sixty Pounds; and in order to entitle any Teacher to receive the amount granted by this Section, he must, in addition to the Certificates herein before required, produce a written Return, signed by himself and certified and verified by the School Visiter, and also by the Secretary of the Board of Education, stating the number of Scholars

and their names, actually taught by him in Latin and the higher Branches, and the periods during which they have been so taught.

XXXVIII. If the Teacher or Inhabitants in any School should prefer engaging a Female Teacher, qualified under this Act, they may enter into an Agreement for that purpose with any Female Teacher, who, whilst so engaged in teaching, shall be entitled to receive from the Treasury of this Island the sum of Thirty Pounds, *per annum*, payable half-yearly, in the same manner and on producing the same Certificates as in the case of Male Teachers; and such Female Teacher, and the School wherein she shall be, shall be subject to all the regulations and provisions herein contained respecting other Teachers and Schools: Provided that such Schools, taught by Females, shall be limited to the instruction of Female Scholars and of Boys under Twelve Years of age.

Inhabitants of School District may engage a female Teacher.

Allowance to such Teacher.

Same Certificates necessary as in the case of male Teachers.

School subject to same regulations, &c., as other Schools.

Description of pupils to be taught in such Schools.

XXXIX. And whereas there are many of the Children of the French Acadians in this Island who are unable to speak English, and would therefore not be benefited by the foregoing provisions of this Act, and it is just and desirable that their interests should be provided for: Therefore, every French Acadian Teacher, who shall teach in a School the Children of that class of the Inhabitants of this Island, on his producing, or there being produced on his behalf, a Certificate, signed by the Priest or Clergymen of the District or Parish wherein such School shall be taught, and of whose congregation the said Teacher shall be a member, that such Teacher hath been by him duly examined and found capable of teaching such School efficiently in the French Language; and also in Reading and Writing in the English

French Acadian Teachers, on producing Certificate of Clergyman, &c., to receive £35 *per annum*.

Language, and also the Certificate herein before required as to his moral character, and also of his having taught Thirty Scholars for Six Months in a suitable Building, accompanied by a Certificate of approval from the School Visiter, shall be entitled to receive payment at the rate of Thirty-five Pounds *per annum*, payable in manner aforesaid, half-yearly, out of the Treasury of this Island, although such Teacher may not have passed the said Board of Education, as duly qualified in other respects required by the following provisions of this Act.

No allowance to be made under this Act, or 10 Vic., cap. 8, to any Teacher receiving allowance out of proceeds of Glebe Lands, under

XL. No allowance to Teachers under this Act, or an Act passed in the Tenth Year of Her present Majesty's Reign, intituled *An Act for the Encouragement of Education*, shall be paid or allowed to any Teacher who may now, or at any time hereafter, be in the receipt of any Salary, Allowance or Payment, out of the Moneys derived from the sale of the Glebe Lands in this Island, under an Act passed in the Fifth Year of the Reign of His late Majesty King *William the Fourth*, intituled *An Act to authorise the Sale of Lands in this Island, reserved as Sites for Churches, and for Glebe and School Lands*, and which Moneys are now placed in the hands of certain Commissioners, and at the disposal of the Bishop of *Nova Scotia*, in conjunction with the Lieutenant Governor of this Island, under the authority of a Despatch of the late Colonial Secretary, Lord *Glenelg*, dated the Third day of *December*, One thousand eight hundred and thirty-eight.

5 W. 4, cap. 13.

Number and qualifications of Teachers for Charlottetown.

Allowance to

XLI. There shall be allowed for *Charlottetown*, under this Act, including the National School, one Master or Teacher of the highest or Second Class, who must also be qualified to teach Latin, who shall receive Seventy-five

Pounds a-year, and one Master or Teacher of the First or Lowest Class, who shall receive Sixty Pounds a-year; and when and so soon as there shall be more than Fifty Scholars in attendance at each of the said Schools, and it shall appear to the Board of Education that there is a sufficient number of Scholars, above said number, to render it desirable or requisite to have further assistance, said Board may establish one, or if necessary two, more Schools, and appoint a Master or Teacher, or two Masters or Teachers, thereto, of either Class, or may, if they think fit, instead of constituting new Schools, appoint a Master or Teacher, or two Masters or Teachers of either Class, to be Assistant Teachers in each or either of the first mentioned Schools—which Masters or Teachers so appointed to a new School, or as Assistants in the first mentioned Schools, shall receive Fifty Pounds a-year each.

highest Class Teacher.  
Allowance to lowest Class Teacher.

Board of Education may establish additional Schools, when necessary;

Or may appoint additional Masters as Assistant Teachers.

Allowance to such Masters or Assistants.

XLII. There shall also be allowed for *Charlottetown*, under this Act, two Schools with two Female Teachers, who shall receive Forty Pounds a-year each; and when and so soon as there shall be more than Fifty Scholars in attendance at each of said Female Schools, and it shall appear to the said Board that there is a sufficient number of Scholars above said number, to render it desirable or requisite to have further assistance, then the said Board may establish one or two more Schools, and appoint one or two more Female Teachers thereto, or appoint one or two Female Teachers as Assistant Teachers in the first mentioned Schools, who shall receive Thirty Pounds a-year each.

Two Female Schools allowed for *Charlottetown*. Teachers' Salaries.

Additional Female Schools may be established by Board, when necessary.

Allowance to such Teachers.

XLIII. The Board of Education shall be the Trustees of the Schools to be established in *Charlottetown* under this Act, and shall have

Board of Education to be Trustees of all Schools estab-

lished in Char-  
lottetown under  
this Act.

Teachers to re-  
ceive their Sal-  
aries half-year-  
ly, on producing  
the requisite  
Certificate.

No Teacher en-  
titled to Salary  
unless he has  
taught 30 Scho-  
lars.

the control and management thereof, and the selection of the Teachers, and shall make rules and regulations for the management thereof, and for the location of the Schools, and for constituting new Schools or appointing Masters thereto, as aforesaid; and the said Teachers in *Charlottetown* shall be entitled to receive payment of their Salaries half-yearly, by Warrant on the Treasurer of this Island, drawn by the Lieutenant Governor thereof, on producing a Certificate, signed by a majority of the Board of Education, certifying that the same is due; but no Teacher in *Charlottetown* shall be entitled to receive a Salary, unless he or she shall have taught at least Thirty Scholars, and such must be specified in the Certificate.

2s. 6d. to be  
paid by each  
Scholar, quar-  
terly, for the  
purchase of  
Books, and for  
other necessary  
purposes.

Should such sum  
be found insuf-  
ficient, Board  
may order fur-  
ther payment—  
not to exceed  
2s. 6d. quarter-  
ly.

If said sums be  
not paid, Schol-  
ars debarred  
from future in-  
struction.

Mode of reco-  
very thereof.

XLIV. The Scholars receiving instruction in *Charlottetown*, at the Schools supported under this last preceding Section, shall pay quarterly, each, the sum of Two Shillings and Six-pence, to be collected by the Teacher of each School, and paid over to the Secretary of the Board of Education, and to be applied by him to purchasing Books, Rent and Repairs of School Houses, and other necessary purposes; and if the Board of Education shall find that the said quarterly payment is not sufficient in amount for the purchase of Books, and other purposes as aforesaid, then it shall be lawful for the said Board to order and require a further payment to be made by each Scholar, not exceeding, however, in any case, the sum of Two Shillings and Six-pence, quarterly, in addition to the first mentioned quarterly payment of Two Shillings and Six-pence; and if the said sums, or either of them, be not paid, the Scholars to be debarred from future instruction until the same is paid; and the same shall also be recoverable by the Teacher, in the name of the Secretary of the

Board of Education, before the Court of Commissioners for the Recovery of Small Debts in *Charlottetown*, from the Parents or Guardians of the Children.

XLV. The Children of Inhabitants of *Charlottetown* *Royalty* may attend the Schools in *Charlottetown*, if they think fit; but the Board of Education may so far exercise a control, that when any Teacher has a greater number of Scholars than another, they may order such Children as they may select to attend any of the other Schools.

Children of Inhabitants of *Charlottetown* *Royalty* may attend Schools in *Charlottetown*.

Control to be exercised by Board of Education.

XLVI. There shall be allowed in *Georgetown*, under this Act, one Master or Teacher of the Highest Class, who shall be qualified to teach Latin, who shall receive Seventy Pounds a-year, and one Female Teacher, who shall receive Thirty-five Pounds a-year.

Teachers to be allowed for *Georgetown*. Allowance to Male Teacher. Allowance to Female Teacher.

XLVII. It shall be the duty of the Senior of Her Majesty's Justices of the Peace, resident for the time being in *Georgetown*, and he is hereby required, annually, during the continuance of this Act, on the First Tuesday in *June*, in each year, to convene a Public Meeting of the Inhabitants, Householders of *Georgetown*, its *Common* and *Royalty*, having Children between Five and Sixteen Years of Age, to be holden at the Court House in *Georgetown*—such Meeting to be convened by such Justice, giving or causing to be given at least Eight Days' Notice thereof, in Writing, the same to be published by being posted in three or more public places in the said Town and *Common*, and three or more public places in the said *Royalty*; and the said Inhabitants, Householders, or a majority present at such Meeting, shall elect five fit and proper persons, being also such Inhabi-

Duty of Senior Justice of the Peace in *Georgetown*.

Annual Meeting of Inhabitants, when and where to be holden.

Meeting, how convened.

Trustees of Schools, how chosen.



Powers of Trustees.

Teachers' salaries to be paid half-yearly, on producing the requisite Certificates.

tant Householders as aforesaid, to be the Trustees for the ensuing year of the Schools to be established in *Georgetown* under this Act; and such Trustees, so to be elected, shall have the control of the said Schools in *Georgetown*, and the selection of the Teachers, and may make regulations respecting the location thereof; and the Teachers shall be entitled to receive payment of their Salaries half-yearly, by Warrant of the Lieutenant Governor on the Treasurer of this Island, on producing a Certificate that the same is due, signed by a majority of the Trustees, and certified by the School Visiter and the Secretary of the Board of Education, and that the Teacher has been actually teaching upwards of Thirty Scholars, during the period for which the sum specified in the Certificate is payable.

Children of Inhabitants of Common and Royalty, may attend Schools in *Georgetown*. Privilege not to interfere with the erection of District Schools in said Royalty.

XLVIII. The Children of Inhabitants of *Georgetown Common* and *Royalty* may attend the Schools in *Georgetown* under this Act; but this privilege shall not interfere with the erection of District Schools in *Georgetown Royalty*, in the same manner as in other Districts under this Act.

Scholars in *Georgetown* to pay, quarterly, 2s. 6d. each.

Application thereof.

Such payment being found insufficient, Trustees may order further payment.

XLIX. The Scholars receiving instruction in *Georgetown*, at the Schools supported and regulated under the two last preceding Sections of this Act, shall pay, Quarterly, each, the sum of Two Shillings and Six-pence, to be collected by the Teachers, and paid over to the Trustees of the said Schools, appointed as herein before mentioned, and to be applied by them to purchasing Books, Rent, Fuel and Repairs of School Houses, and other necessary purposes connected with the Schools; and if the said Trustees shall find that the said Quarterly payment is not sufficient in amount for the purchase of Books, and other purposes as aforesaid, then

it shall be lawful for the said Trustees to order and require a further payment to be made by each Scholar, not exceeding, however, in any case, the sum of Two Shillings and Six-pence, Quarterly, in addition to the first mentioned quarterly payment of Two Shillings and Six-pence; and if the said sums, or either of them, be not paid, the Scholar in arrear may be debarred from further instruction until the same is paid; and the said payments shall also be recoverable by the Teachers in the name of the said Trustees, or a majority of them, before the Court of Commissioners for the Recovery of Small Debts which holds its Sittings nearest to *Georgetown*, from the Parents or Guardians of the Scholar.

Such further payment not to exceed 2s. 6d. quarterly.

Failing payment, Scholar may be debarred from further instruction.

Mode of recovery thereof.

L. The Lieutenant Governor, by and with the advice and consent of Her Majesty's Executive Council of this Island, may, upon the requisition of the School Visiter and Board of Education, advance to the said Board of Education a sum not exceeding Five hundred Pounds, to be expended in the purchase and importation of improved School Books, Maps, Apparatus and Educational Reports, to be supplied to the various Schools throughout this Island receiving support under this Act at Cost price; and the Moneys received from the sale of the same, shall be again laid out in the same manner, in making fresh purchases; and any Books, Maps or Apparatus, or Moneys arising from any sales thereof as aforesaid, which shall remain in the hands of the said Board of Education at the expiration of this Act, shall be handed over or paid into the Treasury of this Island; and the Lieutenant Governor in Council, on making such advances, may impose such terms and regulations respecting the same as they may deem just and proper.

Sum to be advanced by Government for the purchase of Books, Maps, &c.

Books, Maps, &c., how distributed.

Moneys derived from the sales, how applied.

Terms and regulations to be imposed.

School allowance may be withheld until prescribed regulations, &c., are observed and adopted.

LI. All Schools claiming allowance to Teachers therein under this Act, wherein, at or after the expiration of Twelve Calendar Months after this Act shall go into operation, the Books, Regulations and System of Education to be prescribed by the School Visiter and Board of Education, as aforesaid, shall not be observed and adopted, shall, if the said Board shall think fit, and make an order to that effect, be refused or deprived of such allowance until such time as such Books, Regulations and System of Education shall be observed and adopted.

Allowance to Districts requiring assistance to build School Houses.

LII. When any new School District shall hereafter be applied for and erected, and the School Visiter shall certify that the Inhabitants thereof are in poor circumstances and require pecuniary assistance to enable them to build a School House thereon, then it shall be lawful for the Lieutenant Governor in Council to grant the sum of Five Pounds to the Trustees of such District, to be expended in erecting such School House.

All Children over five years of age entitled to attend District Schools.

LIII. All Children over Five Years of age, residing in any School District in this Island, shall be entitled to attend the School therein, the Teacher whereof receives pay under this Act, and the said Teacher shall be bound to receive and instruct all such Children.

Child not residing within any School District, to be taught in the School of the nearest District, unless the Scholars thereof exceed 50.

LIV. Where any Child does not reside within any School District, such Child shall be entitled to attend at the School in the nearest School District the Teacher whereof receives pay under this Act; and the said Teacher whereof shall be bound to receive and instruct such last mentioned Child, unless the number of Children

already in attendance at his School shall exceed Fifty.

LV. Whereas, in order to give effect to the foregoing Provisions of this Act for the Encouragement of Education, a large amount of Money will be required, and it therefore becomes necessary to raise an additional amount of Revenue, by an additional Tax on Lands in this Island and otherwise, as hereinafter set forth: Be it therefore further enacted, by the authority aforesaid, That there shall be paid, annually, during the continuance of this Act, into the hands of the Treasurer of this Island, or his Deputies, appointed under the provisions of an Act of the Eleventh Year of Her present Majesty Queen *Victoria*, intituled *An Act for levying further an Assessment on all Lands in this Colony, and for the Encouragement of Education*, in addition to the Tax imposed by the said last recited Act, the further sum of One Half-penny per Acre, or Four Shillings and Two-pence, of lawful Money of *Prince Edward Island*, for every One hundred Acres of Land, and so in like proportion for any greater or lesser quantity, whether wilderness or cultivated, improved or unimproved, contained in the several Townships in this Island, and the several Islands belonging thereto, except as is hereinafter excepted; and the further sum of Two Shillings for each and every Pasture Lot granted in the Royalty of *Charlottetown*, whether cultivated or uncultivated, improved or unimproved; and the further sum of Eight-pence, for each and every Pasture Lot granted in the Royalty of *Georgetown*, cultivated or uncultivated, improved or unimproved.

Tax to be paid on improved or unimproved Township lands, in this Island, in addition to that already imposed by the Act, 11 Vic., cap. 7.

Additional Tax payable for each improved or unimproved Pasture Lot in the Royalty of *Charlottetown*.

Tax for Pasture Lots in the Royalty of *Georgetown*.

LVI. The Owners or Occupiers of at least Eight Acres of Land in the Royalty of *Georgetown*, called Reserved Lands, in addition to the

Additional Tax payable by Owners of Reserved

Lands in Roy-  
alty of George-  
town.

Tax thereon imposed by the Second Section of the last herein before recited Act, shall pay the further sum of One Penny, per Acre, on each and every Acre of such Lands, whether cultivated or uncultivated, improved or unimproved.

First Annual  
payment of Tax,  
when to be  
made.

LVII. The first Annual Payment of the said several sums of Money, to be paid as aforesaid under the last two preceding Sections of this Act, by the several and respective Owners, Proprietors or Occupiers of the several and respective Lands aforesaid, shall be called for, become due and be made, together and at the same time with the first Annual payment of Land Tax or Assessment under the said last recited Act, of the Eleventh *Victoria*, Chapter Seven, which shall be called for, be made and become due next after this Act shall go into operation; and proceedings for the recovery of the Tax or Assessment hereby imposed on the several and respective Lands aforesaid, shall be concurrent and taken together with and in like manner as the proceedings for the recovery of the Tax imposed by the said recited Act, of the Eleventh *Victoria*, Chapter Seven, on the said several Lands, according to their respective natures and descriptions as aforesaid; and the said Tax or Assessment hereby imposed shall be called for, be raised, levied, paid, become due, and be recovered, together with and in the same manner as the said Tax or Assessment imposed by the said recited Act of the Eleventh *Victoria*, Chapter Seven; and the provisions of the said recited Act of the Eleventh *Victoria*, Chapter Seven, and also of the Act passed in the Twelfth Year of the Reign of Her present Majesty Queen *Victoria*, Chapter Seven, intituled *An Act to explain and amend the present Act for the Assessment of Land and the Encouragement of Education*, and of all and every other Act and Acts of

Proceedings for  
the Recovery of  
Tax.

Tax, when to be  
called for.

Mode of Reco-  
very thereof.

Provisions of 11  
Vic., cap. 7, and  
12 Vic., cap. 7,  
&c., to extend  
to Tax hereby  
imposed.

the General Assembly of this Island now in force, in relation to the calling for, raising, levying, paying and recovering the Taxes and Assessments imposed by the said recited Act of the Eleventh *Victoria*, Chapter Seven, shall severally be held to extend and apply to the Tax hereby imposed, or as if the same had originally been imposed by the said Act of the Eleventh *Victoria*, Chapter Seven, and had formed part of the Tax thereby imposed, and shall be in full force and effect for the purpose of calling for, raising, collecting, levying and recovering the Tax or Assessment hereby imposed; and all and every the Powers, Authorities, Regulations, Forms of Proceedings, and Deeds, Directions, Penalties, Clauses, Matters and Things contained in the said recited Acts, of the Eleventh *Victoria*, Chapter Seven, and of the Twelfth *Victoria*, Chapter Seven, shall severally and respectively, and in so far as the same are or can be made applicable to this present Act, be duly observed, practised, applied and put in execution, in relation to the Tax and Assessment hereby imposed, as well during this Act as after the expiration thereof, for calling for, receiving, levying, raising, collecting, paying and recovering the said Tax or Assessment hereby imposed, and all arrears thereof, as fully and effectually, to all intents and purposes, as if the same Powers, Authorities, Rules, Regulations, Forms of Proceedings, and Deeds, Directions, Penalties, Forfeitures, Clauses, Matters and Things, were particularly repealed and re-enacted in the body of this Act, with reference to the said Tax or Assessment hereby granted and imposed, or as if the same had originally been granted or imposed by the said recited Act, of the Eleventh *Victoria*, Chapter Seven, and had been enacted to be raised thereby, or had formed part of a Tax thereby granted and imposed; and the Proceedings taken against Lands

Powers, Authorities, &c., contained in such Acts, to be applied to the Tax hereby imposed.

Proceedings against Lands

in arrear under  
this Act may be  
joined with pro-  
ceedings under  
11 Vic., cap. 7.

in Arrear for the Taxes or Assessments imposed under this Act shall or may be joined with the Proceedings taken against Lands of the same description in Arrear of the Tax or Assessment imposed by the said Act of the Eleventh *Victoria*, Chapter Seven, according to the description and class of the said Lands respectively.

Owners or Occu-  
piers of Dwel-  
ling Houses,  
Stores, Mills,  
&c., to which  
not more than  
10 acres of Land  
are attached, to  
pay 5s. addition-  
al, for every  
such Dwelling  
House, &c., with  
certain excep-  
tions.

Workshops of  
Tradesmen to  
pay 2s. 6d. each,  
additional.

LVIII. And whereas there are many valuable Establishments, Stores, Shops and Places of Business, throughout this Island, which have only small Tracts of Land attached to them, the Owners or Occupiers of which would, therefore, contribute, in respect thereof, but little towards the Revenue required to carry out a System of Free Education under the general Assessment on Lands imposed by this Act, and it is just and reasonable that they should contribute a proportion for the support of a System, the advantages of which they will enjoy, equally with the other Inhabitants of this Island: Be it therefore further enacted, That there shall be paid, Annually, during the continuance of this Act, into the hands of the Treasurer of this Island, or his Deputies, appointed under the provisions of the Act, Eleventh *Victoria*, Chapter Seven, by the Owners, Proprietors or Occupiers of all Buildings occupied as Dwelling-houses, Stores, Mills, Taverns, Distilleries or Mercantile Establishments in this Island, except within *Charlottetown* and *Common*, and *Georgetown* and *Common*, whereunto not more than Ten Acres of Land are immediately attached, the sum of Five Shillings each for all such Dwelling Houses, Stores, Mills, Taverns, Distilleries or Mercantile Establishments, in addition to any Assessment paid for the Land on which they stand under this Act, or the said recited Acts; and by the Owners, Proprietors, or Occupiers of all Buildings in this Island, except in the Towns and

Commons last aforesaid, occupied as Workshops of Tradesmen or Mechanics, whereunto not more than Ten Acres of Land are immediately attached, the sum of Two Shillings and Sixpence each, for all such last mentioned Buildings, in addition to any Assessment paid under the provisions of this Act or the said recited Acts for the Land on which they stand.

**LIX.** The payment of the Tax last herein before imposed shall be called for and become due at the same time as the Tax on Lands imposed by the Fifty-fifth Section of this Act: And each Deputy appointed by the Treasurer of this Island, under the Eleventh *Victoria*, Chapter Seven, shall, when he makes his Return with his Books and Accounts of the various amounts of Tax received by him to the Treasurer, as in the last recited Act mentioned, specify and set forth, in Writing, in such Books and Accounts, the names of the Owners, Proprietors or Occupiers of Buildings within his District who are liable to pay the Tax or Sum in the last preceding Clause imposed, and what part of said Tax or Sum has been paid, and what amount remains unpaid under this Act; and the Treasurer shall, thereupon, within Ten Days after receipt of such Books and Accounts, direct such Deputy to sue the Persons in arrear within his District of the last mentioned Taxes or Sums; and the said Deputy shall, thereupon, sue for and recover the same, with Costs, from the several persons liable to pay the same, before the nearest Court of Commissioners for the Recovery of Small Debts to the residence of the Deputy; and in the Summons issued out of the Court, it shall be stated, that the Defendant is sued under the Fifty-ninth Section of this Act, as the Owner, Occupier or Proprietor, as the case may be, of any Building

When payment of last mentioned Tax shall become due.

Deputy Collectors of Land Tax to specify the names of Proprietors &c., of Buildings liable to pay last mentioned Tax.

Duty of Treasurer thereupon.

Deputy's duty.

Particulars of Summons.



Throws burden of disproof upon Defendant.

Defendant failing to disprove statement contained in Summons, Court to give Judgment and issue Execution.

Exonerates Deputy from payment of Defendant's costs, unless Suit has been vexatiously brought.

Deputy to account with Treasurer at least once in every Three Months.

Tax to be paid by Inhabitants of Charlottetown and Common, and Georgetown and Common.

Tax, when payable.

in respect of which a Tax is imposed in the last Clause of this Act; and this statement shall throw upon the Defendant the burden of disproving the truth thereof; and if Defendant, at the return of the Summons, do not appear, or fail in disproving the statement of liability contained therein, the Court shall, without further proof than of service of the Summons, proceed to give Judgment, and issue Execution against him; but in no case, even if the Defendant shall disprove the statement, shall the Court award his Costs to be paid by the Deputy, unless it shall be shewn to them that the conduct of the Deputy, in making his return and bringing the Suit, has been vexatious towards the Defendant.

LX. The said Deputy shall forthwith, on closing his Books, and at all events once in every Three Months, account with and pay over to the Treasurer of this Island all sums of Money by him from time to time received under the provisions of this Act.

LXI. From and after the time when this Act shall go into force and operation, and during the continuance thereof, there shall, annually, be charged, raised, levied, collected and paid, into the hands of the Treasurer of this Island or his Collectors, to be appointed as hereinafter mentioned, upon and for all Lands, Tenements, Hereditaments and Real Estate, in *Charlottetown* and *Charlottetown Common*, and in *Georgetown* and *Georgetown Common*, for every Twenty Shillings of the annual value thereof, the Sum, Rate or Duty of Three-pence on the Pound—the same to become due and to be paid annually by the several and respective Owners, Proprietors or Occupiers thereof, when and so soon as the same shall be called for by the Treasurer of this Island, by Advertisement published in the

*Royal Gazette*, Newspaper, of this Island, as hereinafter mentioned.

LXII. Upon every fractional part of Twenty Shillings of the annual value aforesaid, the like proportion of Duty, at the rate before directed, shall be charged: Provided, that no Rate or Duty shall be charged of a lower denomination than One Penny.

Tax payable on fractional parts of 20s. annual value.

No rate of a lower denomination than 1d. to be charged.

LXIII. So soon as this Act shall go into operation, it shall be lawful for and the duty of the Lieutenant Governor of this Island, by and with the advice and consent of Her Majesty's Executive Council, to nominate and appoint five fit and proper persons, Householders resident in *Georgetown*, or the *Common* thereof, to be Assessors therein, during the continuance of this Act, of the fair annual value of the Premises in their respective Districts chargeable with the Rate or Duty imposed by the two last preceding Clauses of this Act; and it shall be lawful for the Lieutenant Governor in Council, from time to time, in case of refusal to act, neglect, or any other cause, to remove any person or persons so appointed Assessors, and to appoint another or others in his or their stead; and also if any vacancy or vacancies may occur by death, removal or resignation of any such Assessors, or otherwise, to nominate and appoint another such person, or other such persons as aforesaid, to fill up such vacancy or vacancies—all of whom shall have and be invested with the same powers, and shall be subject to the same Rules, Fines and Regulations as the Assessors originally to be appointed hereunder.

Lt. Governor, &c., to appoint Five Assessors for the Town and Common of Georgetown.

Assessors may be removed from office and others appointed in their stead.

Vacancies, how supplied.

LXIV. It shall be the duty of the persons who shall be appointed Assessors for *Charlotte-town* and *Common*, and also of those who shall

Assessors' duty:

Within 60 days after appoint-

ment, and annually thereafter, shall assess and determine annual value of Lands, Tenements, &c., in possession of each particular person.

Also, the annual value of all unoccupied Lands.

Assessors to deliver to Treasurer detailed account and return.

Return to be signed by a majority of the Assessors, and verified on Oath.

Form of Affidavit.

Assessor's Estimate, &c., of the annual value of Lands, &c., binding on the persons named therein, unless appealed from.

be appointed Assessors for *Georgetown* and *Common*, under this Act, within Sixty Days after their appointment, and annually thereafter, during the continuance of this Act, within their respective Districts, to assess the Owners, Occupiers or Proprietors of Lands, Tenements, Hereditaments and Real Estate therein, for the purpose of this Act, and to estimate and determine fairly and justly, as near as may be, what is the fair annual value of such Lands, Tenements, Hereditaments and Real Estate, in the possession of each particular person or persons, and also to assess the fair annual value of all unoccupied Lands, Tenements, Hereditaments and Real Estate therein; and the said Assessors, within the period last aforesaid, shall also deliver in, or cause to be delivered in, to the Treasurer of this Island, in Writing, a correct detailed Account and Return of such their estimate and determination—the Return for each Town and Common to be signed by the Assessors thereof, or a majority of them, and to be accompanied and verified by an Affidavit, in the Form in the Schedule to this Act annexed, marked (C), to be made by the Assessors signing the Return, and to be sworn to before any one of Her Majesty's Justices of the Peace for the said Island.

LXV. Any such Estimate, Determination or Return of the annual value of Lands, Tenements, Hereditaments and Real Estate, in *Charlottetown* and its *Common*, or in *Georgetown* and its *Common*, when made and returned as required by this Act, and lodged in the Treasurer's Office, shall be binding and conclusive on the several persons therein named, owning or occupying the same; and the several Rates and Sums therein specified shall be the Rates and Sums which the said several persons shall, for

the year in which such Return is made, be respectively liable to pay, or which, in case of the same being unoccupied, shall be the amount due and payable in respect of the said Lands, Tenements, Hereditaments and Real Estate, unless appealed from, as hereinafter provided for, and shall be recoverable as hereinafter mentioned.

LXVI. If any person, appointed Assessor under the Provisions of this Act, shall refuse to act, or refuse or neglect to be sworn as hereinafter mentioned, or to make such Estimate or Return as aforesaid within the period limited therefor, he shall be liable to forfeit and pay a Fine not exceeding One hundred Pounds, nor less than Five Pounds, to be sued for and recovered, with Costs, on the Oath of the said Treasurer, or some other credible Witness, in Her Majesty's name, before any two of Her Majesty's Justices of the Peace for Queen's or King's County; and the same, when recovered, shall be paid into the Treasury of this Island for the use of Her Majesty's Government thereof: Provided always, that if the requisite majority of any such Body of Assessors, hereinbefore required in making a Return, shall join in making and verifying such Return and Estimate, then the remaining Assessors shall not be liable to a Fine in respect of their not having joined therein.

Penalty on persons appointed Assessors, refusing to act, &c.

Mode of recovery of Penalty.

Application of Penalty.

Exempts Assessors from payment of Fine in certain cases.

LXVII. Within Seven Days after any such Assessor shall have been appointed as aforesaid, and before he shall enter upon the Duties of his Office, he shall take the Oath prescribed in the form in the Schedule to this Act annexed, marked (D), which the Prothonotary of Her Majesty's Supreme Court of Judicature, or either of his Deputies, is hereby required and

Within 7 days after appointment, Assessors to be sworn.

Form of Oath.

By whom administered.

empowered to administer, and to file the same in his Office.

Treasurer to appoint person to be his Collector or Deputy.

Advertisement to be inserted in the *Royal Gazette*, calling for payment of Assessment.

Responsibility of Treasurer.

Duties of Collector.

Allowance to Collector.

Copy of Assessors' return or estimate to be forwarded to each Collector.

Persons entitled

LXVIII. It shall and may be lawful to and for the Treasurer of this Island for the time being, and he is hereby required, by Writing under his Hand and Seal, immediately after any such Return or Estimate of the Assessors has been lodged in his Office as aforesaid, to nominate and appoint a fit and proper person to be his Collector or Deputy in the Town and Common to which such Return relates; and he shall cause an Advertisement to be inserted for three consecutive Weeks in the *Royal Gazette*, Newspaper, of this Island, calling for the Payment of such Assessment into the hands of such Collector; and for the faithful discharge of the Duties of such Collector, the said Treasurer shall be responsible; and such Collector shall, and he is hereby required, forthwith, to demand and collect the amounts assessed from the Person or Persons liable to pay the same, or to take proceedings for the recovery thereof, as hereinafter mentioned, and to pay over the amounts received by him, together with an Account thereof, to the Treasurer; and every such Collector shall be allowed for his trouble the Per-centage following, that is to say: Seven Pounds Ten Shillings, *per centum*, on the first Fifty Pounds of Assessment, or any less amount in the whole, received by him, and on the residue of the amount by him received, beyond the said sum of Fifty Pounds, Five *per centum*, and no more.

LXIX. The said Treasurer shall forward to each Collector so to be appointed as in the last Clause mentioned, a correct Copy of such Return or Estimate of the Assessors for the Town and Common to which such Collector may be appointed; and all Persons liable to be rated

or assessed, or holding Property liable to be rated or assessed therein, shall be entitled to inspect such Copy, when so forwarded to the Collector.

to inspect the same.

LXX. If any Person so assessed as herein before mentioned, in respect of Property within the Town and Common of *Charlottetown* or of *Georgetown* aforesaid, shall, within Ten Days after demand made by the Collector, or in case such Person be not resident in such Town or Common, or be absent therefrom, within Twenty-one days after the first insertion of such Advertisement by the Treasurer of this Island as aforesaid, calling for the payment thereof, refuse or neglect to pay his proportion of the Rate or Assessment so determined as aforesaid, the Collector shall and may, after the expiration of the said Ten Days after demand made as aforesaid, or after the expiration of the said Twenty-one Days after the first insertion of such Advertisement as aforesaid, as the case may be, levy the amount of such Rate or Assessment on the Goods and Chattels of the Defaulter, by seizing the same—which Goods and Chattels shall be irrepleviable, and may be Sold at Auction by the Collector, after he has given at least Six Days' Public Notice of such Sale; and if any amount remain in the hands of such Collector, after paying the sum so assessed, together with the amount of Expenses incurred in seizing, advertising and selling the same, and other incidental charges, such amount shall be paid to the Owner or Owners of the Goods and Chattels.

Persons refusing or neglecting to pay Assessment, how proceeded against.

Goods and Chattels seized, irrepleviable, and may be sold after 6 days' notice.

Overplus, how disposed of.

LXXI. Any Person so assessed, or his Agent, may, within the said period of Ten Days after demand, or Twenty-one days after insertion of such Advertisement as last aforesaid, as the case may be, give to the said Collector a written Notice of his, her or their intention to appeal

Gives right of appeal within certain periods.

Collector to notify Assessors of every notice of appeal served upon him, within one week thereafter.

Assessors to appoint meeting to revise Assessment.

Collector to notify Appellant of such Meeting.

Determination of Assessors, after such revision, to be final.

Revised Assessment not being paid within 10 days thereafter, Collector to levy the same, &c.

from the said Rate or Assessment; and the said Collector shall thereupon notify the said Assessors of the Town and Common for which he is Collector of every such Notice of Appeal being served upon him, within One Week after the same shall have been served; and the said Assessors shall appoint a time and place to meet to revise the Assessment so made by them; and the Collector shall give the Appellant or his Agent, in Writing or by Advertisement in the *Royal Gazette*, Newspaper, of this Island, Seven Days' Notice of the time and place of meeting of the Assessors to revise the Assessment made by them; and the determination of the said Assessors, after such revision, shall be final and conclusive; and in case such revised Assessment shall not be paid to the Collector of the Town and Common within Ten Days after such determination thereon, as last mentioned, then the said Collector shall and may, *ex officio*, levy the same by Distress and Sale of the Goods and Chattels of the Defaulter, as herein before mentioned.

Duty of Collector, where sufficient Goods, &c., cannot be found whereon to levy.

Treasurer to award a precept to Collector.

Form of precept.

Collector to levy

LXXII. In any case where sufficient Goods and Chattels cannot be found whereon to levy any such Assessment, so in arrear and unpaid as aforesaid, the Collector shall notify and make Return thereof to the Treasurer of this Island; and it shall thereupon be lawful for the said Treasurer, and he is hereby required, to award a Precept to the Collector making such notification and Return, in the Form in the Schedule to this Act annexed, marked (E), commanding him to make Public Sale of the Lands, Tenements, Hereditaments and Real Estate, in respect of which, or the Ownership or Occupation of which, the said Assessment so in arrear and unpaid as aforesaid has been imposed or assessed; and the Collector shall, under said Precept, levy

on such Lands, Tenements, Hereditaments and Real Estate, and shall make Public Sale thereof at the Court House in the Town and Common wherein the same may be situate, after having given Six Months' Notice thereof in the *Royal Gazette*, Newspaper, of this Island; and out of the Proceeds of such Sale he shall pay into the hands of the Treasurer of this Island the amount of the Assessment; and after retaining and deducting an amount sufficient to defray the Expenses incurred by such Advertising and Sale as aforesaid, and other incidental expenses, shall pay the Balance or difference to the Owner or Owners of the Lands, Tenements, Hereditaments or Real Estate, so assessed and sold; and the Collector is hereby authorised and directed to make and execute a Deed to the Purchaser or Purchasers of such Lands, Tenements, Hereditaments and Real Estate, at his, her or their expense—which Deed, when so executed and registered, together with the Precept authorising the Sale, shall vest in such Purchaser or Purchasers a good and sufficient Title, Seizin and Estate, in Fee Simple, of and in the Premises therein described, without entry or possession given, against all the former Holders or Owners thereof—subject only to the Conditions of the original Grant thereof from the Crown: Provided always, That in case of any such Sale of Lands, Tenements, Hereditaments or Real Estate, as aforesaid, under the operation of this Act, an Equity of Redemption shall, nevertheless, be open to the former Owner or Owners, Proprietor or Proprietors, his, her or their Agents, Heirs or Assigns, for the space of Two Years next after the day on which the same shall have been sold, he, she or they repaying the Purchase-money, with lawful Interest thereon, and also all reasonable Expenses attending the same, and a fair allowance for such Improvements as shall or may be made

on Lands, Tenements, &c.

Six Months' Notice of Sale to be given.

Proceeds of sale, how disposed of.

Collector to execute a Deed to Purchaser.

Deed, &c., when registered, to vest in Purchaser a sufficient Title in fee simple, without entry or possession.

Equity of Redemption in such cases.



thereon—the same, in case of a dispute, to be ascertained by the Supreme Court.

Collector to account with Treasurer every 3 Months, & pay into his hands all sums by him received.

Penalty for refusing or neglecting to account, &c.

Mode of recovery, and application thereof.

LXXIII. Every such Collector appointed to collect in *Georgetown* and *Common*, or *Charlottetown* and *Common*, as aforesaid, shall, within Three Months after his first Appointment, and once in every Three Months thereafter, account with and pay into the hands of the said Treasurer all such sums of money as he may, from time to time, have received; and upon his refusal or neglect to account for and pay in the same as aforesaid, or if he shall not comply with his several duties herein before set forth, such Collector shall, for each and every offence, neglect or refusal, forfeit and pay to Her Majesty, Her Heirs and Successors, a Fine not exceeding One hundred Pounds, to be recovered by Bill, Plaint or Information, in the Supreme Court of Judicature of this Island, and when recovered, to be paid into the Treasury, to and for the use of the Government of this Island.

Books in which Pump and Well Assessments for Charlottetown and Georgetown are recorded, to be open to inspection of Assessors.

Penalty on persons refusing to allow such inspection.

LXXIV. The Book or Books containing the Assessment in which the Pump and Well Assessment for *Charlottetown* is or shall be kept and recorded, shall at all times be open to the inspection of the said Five Persons so to be appointed Assessors for *Charlottetown* under this Act; and the Book or Books in which the Assessment in *Georgetown*, under the Act of the Fourteenth *Victoria*, Chapter Twenty-eight, and any other Act hereafter to be passed in lieu or amendment thereof, is or shall be kept and recorded, shall at all times be open to the inspection of the said Five Persons so to be appointed Assessors for *Georgetown* under this Act; and if any person in whose legal keeping any such Book or Books is or are, or may be placed, shall refuse to allow the inspection of such Book

or Books, in manner and to such persons as aforesaid, he shall be liable, for each offence, to a Fine of Five Pounds—to be recovered before any one of Her Majesty's Justices of the Peace for this Island, on the Oath and in the Name of any of the aforesaid Five Persons so appointed Assessors for *Charlottetown*, or of the said Five Persons so appointed Assessors for *Georgetown*, as the case may be.

Mode of recovery of Penalty.

LXXV. There shall be paid out of the Treasury of this Island, to each of the said Persons who may be appointed Assessors of *Charlottetown* and *Common*, the sum of Forty Shillings each, and for *Georgetown* and *Common*, the sum of Twenty Shillings each, under this Act, and who shall well and faithfully discharge their Duties and make due Return as aforesaid to the Treasurer of this Island; and they shall receive the above mentioned sums *per annum*, as remuneration for their trouble—the first Payment to become due and be made at the expiration of One Year after this Act shall go into operation, the same to be paid in the usual manner, by Warrant drawn on the Treasury of this Island by the Lieutenant Governor thereof.

Allowance to Assessors for Charlottetown and Common.

Allowance to Assessors for Georgetown & Common.

First payment, when to be made.

LXXVI. The Treasurer of this Island shall keep a separate and specific Account of all Moneys raised and applied by virtue of this Act—which Account shall be annually laid before the House of Assembly, within Ten Days next after the termination of the Financial Year.

Treasurer to keep a separate Account of Moneys raised and applied under this Act, to be laid before House of Assembly.

LXXVII. The Moneys raised by virtue of this Act shall be appropriated to the purposes of General Education, as herein before set forth, or as may be hereafter directed by any Act of the Legislature of this Island; and if the amount hereby raised shall not suffice for the purposes

Moneys raised under this Act, how applied.

Amount raised under this Act

not proving sufficient for the purposes thereof, deficiency, how supplied.

aforesaid, then there shall, annually, during the continuance of this Act, be paid out of Moneys from time to time being in the Treasury of this Island, an Amount sufficient to make good such Deficiency, and to carry out the purposes of this Act, and to discharge the payments thereby required to be made.

Continuance of Act.

LXXVIII. This Act shall be and continue in force for the period of Three Years from the time when it shall go into operation, as hereinafter mentioned, and from thence to the end of the then next Session of the General Assembly, and no longer.

Suspending clause.

LXXIX. Nothing herein contained shall have any force or effect until Her Majesty's Pleasure therein shall be known, and notification of Her Majesty's Assent thereto shall have been published in the *Royal Gazette*, Newspaper, of this Island, nor until His Excellency the Lieutenant Governor shall, by Proclamation duly published in the said *Royal Gazette*, Newspaper—which publication is hereby required to be made within Three Months after such Assent is duly notified—call this Act into operation; and after such Assent and Notification thereof, and the publication of such Proclamation, (but not before,) this Act shall be in full force and operation.

### Schedules to which this Act refers.

#### SCHEDULE (A.)

##### NOTICE FROM TEACHER OF HIS ENGAGEMENT.

Notice from Teacher of his Engagement.

I hereby give Notice that I have entered into an Agreement, bearing date the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_ to teach the School in (the Settlement of \_\_\_\_\_ in \_\_\_\_\_

Township Number \_\_\_\_\_ or the Town or Royalty of  
*as the case may be*), for the term of

A. B., Teacher.

We do hereby certify that the foregoing statement is  
 correct.

C. D.,  
 E. F.,  
 G. H., } Trustees.

### SCHEDULE (B.)

#### TEACHER'S CERTIFICATE TO OBTAIN SALARY.

WE, the undersigned Trustees of the School at  
 on Township Number \_\_\_\_\_ do hereby certify that A.  
 B., Teacher of the \_\_\_\_\_ Class, has diligently, faithfully  
 and soberly discharged his duties during the last  
 Months as Teacher of our School, and has duly kept a Journal  
 of the said School during the said period, and in all other  
 respects has complied with the provisions of the *Act for the  
 Encouragement of Education, and to raise Funds for that  
 purpose by imposing an additional Assessment on Land in  
 this Island, and on Real Estate in Charlottetown and  
 Common, and Georgetown and Common*, and is entitled to  
 receive the sum of \_\_\_\_\_ for his said services; and  
 that a School House in accordance with the said Act has been  
 provided, as witness our Hands, this \_\_\_\_\_ day of

Teacher's Cer-  
 tificate to ob-  
 tain Salary.

18  
 Signed in presence of me, }  
 one of Her Majesty's }  
 Justices of the Peace. }

Trustees of Schools.

### SCHEDULE (C.)

#### FORM OF ASSESSORS' OATH, IN VERIFICATION OF RETURN.

WE, A. B., C. D., E. F., G. H. and J. K., (or so many of  
 the Assessors as make the Return), Assessors for *Georgetown  
 and Common or Charlottetown and Common, (as the case  
 may be)*, under the provisions of the *Fifteenth Victoria,  
 Chapter \_\_\_\_\_* Do hereby severally make Oath and  
 say, that the estimate and determination hereunto annexed is  
 a just, fair and impartial one, to the best of our skill and be-  
 lief.

Assessors' Oath  
 in verification  
 of Return.

So help us GOD.

### SCHEDULE (D.)

#### FORM OF OATH TO BE TAKEN BY AN ASSESSOR.

I, A. B., do swear that I will diligently, faithfully and im-  
 partially execute and perform the duties of an Assessor (for  
*Charlottetown and Common or Georgetown and Common,*

Oath to be taken  
 by an Assessor.

as the case may be,) as prescribed by Law, and according to the best of my knowledge and ability.

So help me GOD.

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SCHEDULE (E.)

FORM OF PRECEPT TO COLLECTOR TO SELL REAL ESTATE.

Precept to Collector to sell Real Estate.

To A. B., the Collector for *Charlottetown and Common, (or Georgetown and Common, as the case may be,)* appointed under the Act intituled (*here insert the Title of this Act*).

WHEREAS the Assessors for *Charlottetown and Common (or Georgetown and Common, as the case may be,)* appointed, by me, under the provisions of the said Act, have assessed (*here describe the property situate in Charlottetown aforesaid, or otherwise, as the case may be*), pursuant to the said Act, and the said Assessment, together with Costs, amounts to the sum of \_\_\_\_\_ Currency; and the Notices required by Law having been duly given, and the amount of the Assessment remaining still unpaid, these are therefore to authorise and require you, the said Collector, to take so much of the said Real Estate as will satisfy the said Assessment, with Costs; and the same to advertise, sell and dispose of, according to Law; and you are to make due return of this Precept unto me, and also have the money ready, as directed by the said Act.

Given under my Hand and Seal, this \_\_\_\_\_ day of  
A. D., 185 , and in the \_\_\_\_\_ Year  
of Her present Majesty's Reign.  
C. D., (L. S.)

Treasurer.

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CAP. XIV.

An ACT relating to Corporate Bodies.

[April 3, 1852.]

**B**E it enacted by the Lieutenant Governor, Council and Assembly, as follows:

Corporations may sue and be sued, &c.

I. All Corporations shall, where no other provision is specially made, be capable, in their Corporate Name, to sue and be sued, to prose-

cute and defend Actions, to have a common Seal, which they may alter at pleasure, to elect, in such manner as they may deem proper, all necessary Officers, and to fix their compensation and define their duties, and to make Bye-Laws and Regulations not contrary to Law, nor repugnant to the Charter or Act by which any such Corporation may be created, for their own government and due management of their Officers.

II. All Corporations may, by their Bye-Laws, where no other provision is specially made, determine the manner of calling and conducting Meetings, the number of Members which shall constitute a Quorum, the number of Shares which shall entitle the Members to one or more Votes, the mode of Voting by Proxy, the mode of selling Shares for the non-payment of Installments, and of transferring Shares generally, the tenure of Office of the several Officers, and the purchase, and conveyance, and sale of their Real and Personal Estate; and they may annex Penalties to their Bye-Laws, not exceeding in any case the sum of Five Pounds for any one offence.

Corporations  
may determine  
mode of calling  
Meetings, &c.

III. The first Meeting of all Corporations shall, unless otherwise provided in their Charters or Acts of Incorporation, be called by Notice, signed by any one or more of the persons named in the Charter or Act of Incorporation, and setting forth the time, place, and purposes of the Meeting, and such Notice shall, Seven Days at least before the Meeting, be delivered to each Member, or left at his place of residence, or published in some Newspaper of the County where the Corporation may be established, or where its principal place of Business shall be situate; or if there be no Newspaper in

First Meeting  
of Corporations,  
how convened.

the County, then in two of the *Charlottetown* Newspapers.

Shares of Stock-holders deemed personal property.

IV. Notwithstanding the Corporation may hold Real Estate, the Shares of the Stockholders shall be deemed to be Personal Property for all purposes.

Real Estate may be sold under Execution.

V. The Real Estate of the Company may be sold under Execution, in the same manner as Personal Estate, and the Sheriff shall, immediately after the Sale, execute a Deed to the Purchaser, which shall convey all the Estate and Interest of the Company in the Real Estate so sold and conveyed.

Acts or Charters of Incorporation to expire unless Company go into operation within 3 years.

VI. All Acts or Charters of Incorporation shall expire, unless the Company thereby established shall go into operation within Three Years from the passing thereof, unless otherwise specially provided therein.

Charters of Corporations shall expire by their own limitation, &c.

VII. All Corporations, whose Charters, after they shall have gone into operation, shall expire by their own limitation, or shall be annulled by Forfeiture or otherwise, shall, nevertheless, be continued as Bodies Corporate for the term of Three Years after the time when they would have been so dissolved, for the purpose of prosecuting and defending Suits, by or against them, and of enabling them to settle and close their concerns, to dispose of and convey their Property, and to divide their Capital Stock, but not for the purpose of continuing the Business for which such Corporations were established.

Supreme Court may appoint Trustee or

VIII. When the Charter of any Corporation shall expire or be annulled, as provided in the preceding Section, the Supreme Court, on ap-

plication of any Creditor of such Corporation, or of any Member at any time within the Three Years, may appoint a Trustee or Trustees to take charge of the Estate and Effects of the Corporation, and to collect the Debts and Property due and belonging thereto, with power to prosecute and defend Suits in the name of the Corporation, and to appoint Agents under them, and to do all other acts which might be done by such Corporation, if in being, that may be necessary for the final Settlement of the unfinished Business of the Corporation; and the power of such Trustees may be continued beyond the Three Years, and as long as the Court shall think necessary.

Trustees in certain cases.

IX. When any Officer or Member of a Corporation is liable for any Debts of the Corporation, or for acts in relation to its Business, or to contribute for Money paid by other Officers or Members, on account of any such Debt or acts, he may be sued therefor, either in the Supreme Court or Court of Chancery.

Officers or Members of Corporation may be sued.

X. The Directors or Board of Managers of any such Corporation, the liability of whose Members shall be limited by the Act or Charter of Incorporation, unless otherwise specially directed therein, shall, in all cases, be personally liable for any responsibility incurred by them on account of the Corporation, beyond the amount of the Stock subscribed, without the sanction of the Company, to be obtained at a Meeting thereof, held in accordance with the Bye-Laws, unless such larger amount of dealing be specially authorised by the Act or Charter of Incorporation; but this Section shall not extend to Insurance Companies.

Directors personally liable for any responsibility incurred by them.



Seal of Corporation not necessary to render acts of Corporation valid.

XI. The acts of Incorporated Companies, performed within the scope of their Charters, or Acts creating them, shall be valid—notwithstanding they may not be done under, or be authenticated by the Seal of such Corporations.

Prohibits Corporation from issuing Notes, &c., or engaging in Banking or Insurance business.

XII. No Corporation shall issue Notes or Bills for payment of Money, for the purpose of circulating the same as Money, or engage in any Banking or Insurance Business, unless specially authorised to do so by its Act of Incorporation; and if any Corporation, not so authorised, shall issue such Bills or Notes, or shall engage in any Banking or Insurance Business, its Charter shall be thereby rendered void.

Act to come into operation immediately.

XIII. This Act shall come into operation immediately upon the passing thereof, and shall extend to Acts of Incorporation passed during the present Session of the General Assembly, but not to any Act or Charter heretofore in force.

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## C A P . X V .

An ACT to amend an Act relating to Corporate Bodies.

[April 3, 1852.]

Rules, &c., of Corporate Bodies of no force or effect until approved of by the Administrator of the Government.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, all Rules, Orders and Bye-Laws of any Body incorporated under any Act passed during the present Session of the General Assembly, or that may be incorporated by Act passed at any future Session thereof, for Emolument or Profit merely, and

not for Religious or Moral purposes, shall first be submitted and approved of by the Administrator of the Government in Council for the time being, before the said Rules, Orders and Bye-Laws shall have any force or effect, or be binding upon the Members of the said Corporate Bodies—any thing in the said Acts, to the contrary thereof, notwithstanding.

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## CAP. XVI.

An ACT to alter and amend the Act made and passed in the Second Year of the Reign of His late Majesty King *William the Fourth*, intituled *An Act to Incorporate the Minister and Trustees of St. James's Church, in the Town of Charlottetown.*

[April 3, 1852.]

**W**HEREAS it is expedient that the said Act shall be altered and amended: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows:—

I. That the Reverend *Robert MacNair*, *James Purdie*, *Henry Douglas Morpeth*, *Edward Langley Lydiard*, *James Anderson*, *James Watts*, senior, *James Watts*, junior, and *James David Lawson*, the Trustees of the said *Saint James's Church*, now in Office, shall remain and continue in Office until Trustees shall have been elected in their places, save and except the said *Robert MacNair*, or the Minister of the said Church for the time being, in manner and form herein-after mentioned.

Present Trustees continued in office until successors are elected.

Trustees to be elected annually.

Persons qualified to vote for such Trustees.

Such Trustees to be in lieu of Trustees appointed under 2 W. 4, cap. 17.

Powers of Trustees.

Elections of Trustees, when to take place.

Duty of present and future Trustees.

II. From and after the passing of this Act, there shall annually be chosen by such of the Congregation of the said Church as shall be duly qualified to vote therefor, that is to say, every male person of the age of Twenty-one years and upwards, who shall hold and pay for one whole Pew, or who shall hold and pay for one-half Pew in the said Church, and who shall not be in arrear of Rent, or who shall have subscribed and paid for the use of the said Church, annually, the sum of Twenty Shillings of current money of *Prince Edward Island*, and who shall not be in arrear of such Subscription, Seven persons, in addition to the said Minister for the time being, who shall be Members of the said Church, and in full communion therewith, to be Trustees of the said Church; which said Trustees so elected shall be in lieu of the former Trustees appointed under and by virtue of the said Act, and confirmed by this Act, and with the said Minister for the time being, shall take, have and enjoy all the rights, privileges and authority possessed and enjoyed by their predecessors in office, and may, together with the Minister of the said Church, appoint their own Chairman, Secretary, Treasurer, and other Officers.

III. The first Election of Trustees under this Act shall take place on the Second Monday of the Month next succeeding the passing of this Act; and all future Elections shall take place on the Second Monday in *April*, in each and every year, in all time coming; and it shall be the duty of the Trustees aforementioned, and the Trustees hereafter in Office, to give Notice of the time of holding the same, by causing to be inserted once in the *Royal Gazette*, or other Newspaper published in *Charlottetown*, an Advertisement, stating the hour and place of hold-

ing such Election, and by the Minister of the said Church, (unless in case of a vacancy), giving intimation thereof from the Pulpit, at such time, during Divine Service, as he may think fit; at which said time and place the said Voters so qualified as aforesaid having met, shall choose a Chairman, and shall proceed to the Election of Seven Persons, so qualified as aforesaid, to fill the Office of Trustees for the ensuing year—the Chairman of the said Meeting, in case of an equality, having the casting Vote; and the names of such persons so elected shall be entered in the Books of the said Corporation, by the Secretary, or other person having the custody of the same, who shall attend with the said Books for that purpose, and shall likewise be published in the ensuing *Royal Gazette*, or other Newspaper printed in *Charlottetown*; all vacancies which shall thereafter occur among the said Trustees, by death, removal and resignation, or otherwise, shall be filled up in like manner and after the like Notices, within Thirty Days after such vacancies shall have occurred respectively.

IV. All or any of the Trustees in Office, at the time of such Annual Election, shall be eligible to be re-elected.

V. That the Seal of said Corporation, and all Books, Papers, Deeds, Minutes, Vouchers, Moneys, Notes or Obligations for Money, and all other Property whatsoever, in their care, custody or possession, shall be forthwith handed over by the former Trustees to the Trustees so elected as aforesaid.

VI. That if it should so happen that no Election of Trustees should take place on any Second Monday in *April* as aforesaid, then and

Intimation to be given from the Pulpit of time and place of holding election.

Meeting to choose Chairman, and elect Seven Trustees—Chairman to have casting vote, &c.

Vacancies, how filled up.

Trustees eligible to re-election.

Seal of Corporation, books, papers, &c., to be handed over to new Trustees.

No election taking place, as pointed out in the 3d Section

of this Act, present Trustees to continue in office for a limited period.

in such case, the said Trustees then in Office shall continue and remain in Office for, during and until the end of the year next ensuing, unless a Requisition, signed by at least Twenty Persons of the said Congregation, qualified to vote as aforesaid, shall be presented to the said Trustees, calling upon them to cause a Meeting to be held for the Election of Trustees; in which case the Minister and Trustees shall give the necessary Notices required by this Act, and the Congregation so qualified as aforesaid shall proceed to hold the said Election in the way and manner herein before pointed out.

In case of the death or removal of the Minister, Trustees shall notify Congregation.

VII. In case of a vacancy happening by the death or removal of the Minister of the said Church, the time of notifying the said Congregation, qualified as aforesaid, who shall alone have a right to vote, shall be made by the said Trustees, instead of the Kirk Session, and shall be within Thirty Days, instead of Eight Days, as is required by the Fifth Section of the said Act.

Repeals 4th, 6th, 7th and 9th Sections of 2 W. 4, cap. 17.

VIII. And be it further enacted, That the Fourth, Sixth, Seventh and Ninth Sections of the said Act be, and the same are hereby repealed.

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## CAP. XVII.

An ACT to Incorporate the Diocesan Church Society of *Prince Edward Island*.

[April 3, 1852.]

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, as follows:

I. The persons hereinafter named, that is to say, the Bishop of the Diocese of *Nova Scotia* for the time being, so long as he shall hold Episcopal Jurisdiction over this Island; the Reverend *Louis Charles Jenkins*, D. C. L., the Reverend *Charles Lloyd*, A. B., the Reverend *John Herbert Reid*, the Reverend *William Henry Cooper*, A. B., the Reverend *David Fitzgerald* A. B., the Reverend *Henry Birchfield Swabey*, A. B., the Reverend *Robert T. Roach*, A. B.; the Honorables *Edward James Jarvis*, *John Myrie Hall*, *Charles Hensley*, *William Swabey*, *Robert Hodgson* and *Thomas Heath Haviland*; *Bentinck Harry Cumberland*, *John Orlebar*, *Henry Haszard*, *Theophilus Desbrisay*, *William Cundall* and *James Douglas Haszard*, Esquires, and all such other persons as now are Members of the Society called "*The Diocesan Church Society of Prince Edward Island*," and their successors, shall be a Body Corporate, by the name of the "*Diocesan Church Society of Prince Edward Island*," of which Corporation the Bishop of *Nova Scotia* for the time being, so long as he shall hold Episcopal Jurisdiction over this Island, shall be the President.

Incorporates certain parties as the "*Diocesan Church Society of Prince Edward Island*."

President.

II. The Corporation may hold Real Estate not exceeding, at any one time, the annual value of One thousand Pounds of lawful Money of this Island, and the Rents and Profits arising from such Real Estate shall be applied for the uses and purposes of the Church or Churches, or of Religious or Educational Institutions connected with the Church of England in this Island.

Real Estate to be held by Corporation.

III The Corporation shall have power from time to time to sell and exchange such Real Estate, and to purchase other Real Estate, not to exceed the value herein before mentioned.

Such Estate may be sold or exchanged.

Who shall be  
deemed mem-  
bers.

IV. All persons, when admitted pursuant to the Bye-Laws of the Corporation, shall be Members of the Society.

Society, how  
governed.

V. The Society shall be governed, and its Affairs managed by a Committee of not less than Fifteen Persons, comprising a President, Vice Presidents, a Secretary, an Assistant Secretary and Treasurer—the Committee to be henceforth called the *Executive Committee*, and such other Officers as the Society may deem proper.

Certain officers  
to continue to  
act until the  
election of their  
successors.

VI. The persons who now hold the Offices of Vice Presidents, Committee, Secretary, Assistant Secretary and Treasurer, shall continue to hold such Offices until their successors shall be elected under this Act.

Donations, how  
invested.

VII. All Donations to the Society shall be invested or disposed of under the directions of the Executive Committee for the benefit of the Society; and the Executive Committee shall be bound to account to the Society for all their acts, receipts and expenditures, and to make annual Report to the Society, at its general Meeting, of the progress and state of the Society, and of its affairs generally..

Executive Com-  
mittee to report  
to Society.

General Meet-  
ings, when held.

VIII. A general Meeting of the Society shall be held once in each year, and as much oftener as may be directed by any Rule or Bye-Law of the Society; and every such general Meeting shall have power to make Rules and Bye-Laws for the due government and management of the affairs of the Society, and from time to time to cancel, alter, change and vary the same.

Meetings of Ex-  
ecutive Com-

IX. The Executive Committee shall be summoned to meet as often as the President or

two of the Vice Presidents may deem it necessary, or as often as may hereafter be directed by any Rule or Bye-Law of the Society.

mittee, how regulated.

X. Nothing in this Act contained shall extend or be construed to extend to require the assent of the President for the time being to any act or acts of the Executive Committee, in their management of the affairs of the Society, or in the sale or purchase of Real Estate.

Assent of President to acts of Committee, not requisite.

XI. Nothing in this Act contained shall affect, or be construed to affect in any way or manner, the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, or of any Body Corporate or Politic—such only as are herein mentioned.

Not to affect the rights of Her Majesty, &c.

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## CAP. XVIII.

An ACT to Incorporate, in *Prince Edward Island*, the People called Bible Christians.

[April 3, 1852.]

**W**HEREAS a certain Body of People in this Island, called Bible Christians, now hold Land, and are desirous of purchasing other Lands in *Prince Edward Island*, to serve as sites for Chapels, Mission Houses, and such other Buildings as may be necessary thereto; and there being no provision made in the Laws of the Island by which a number of persons holding trust for such purpose can have perpetual succession or a sole legal existence or representation in any Court of Law or Equity: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows:



Trustees of the  
people called  
Bible Chris-  
tians.

I. From and after the passing of this Act, the following persons, that is to say, *Francis Metherall, Richard Cotton, William Calloway, John Watson Butcher, Jacob Gale, James Richards, senior, James Kinlay, Philip Beers, Jeremiah Enman, the younger, Josiah Ayres, William Cotton*, and each and every one of them, so long as they continue Members of the said Church in *Prince Edward Island*, and all and every person or persons who, at any time or times hereafter, shall be chosen upon any vacancy in the said Trust, and in the manner hereafter mentioned, to supply the same, shall be and be deemed, to all intents and purposes whatsoever, the Trustees of, and for all and singular, the Estate, Real and Personal, of the said Church, or for the use and benefit thereof, now obtained or possessed by or belonging to the said Church or any in Trust therefor, or hereafter to be obtained by or conveyed to the said Trustees or their successors, for the benefit and purposes thereof; and the said persons and their successors shall constitute and form one continuing Trust or Board of Eleven Members, to be called "the Trustees of the People called Bible Christians of *Prince Edward Island*," and shall be a Body politic and corporate, in Name and in Deed, by the style aforesaid, and shall have perpetual succession and a Common Seal, with power to break, change and alter the same at pleasure.

Such Trustees  
to be a Body  
Politic and Cor-  
porate.

Vacancies in  
Trust, how fil-  
led up.

II. When any vacancy in the said Trust shall arise by death, resignation or otherwise, then any Five of the said Trustees shall give Notice that a Meeting of the said people called Bible Christians shall be held on a given day, for the Election of one or more Trustees, to fill up the said vacancy or vacancies, who, in all cases, shall be Members of the said Church,

and the said Notice shall be given in the Meeting Houses of the People called Bible Christians, in *Prince Edward Island*, immediately after Divine Service, in each Morning of the Fourth Sabbath next preceding the said Meeting, and the choice of the said Trustee or Trustees shall be determined by the Vote of the majority of the Male Members of the said People called Bible Christians, of the age of not less than Twenty-one Years, either given personally or by proxy, in writing, authenticated in such way and manner as shall be appointed and settled by any Bye-Law of the said Corporation.

III. The said Trustees hereby appointed, and their successors, shall, and they are hereby authorised and empowered, in their Name of Office, to bring or defend, or cause to be brought or defended, any Action, Suit or Prosecution, Criminal as well as Civil, in Law or Equity, touching or concerning the Lands, Real and Personal Estate, Debts, Claims, Rights and Property of the said Trustees, as such, or of the said People; and the said Trustees, by their said Name of Office, shall and may, in all cases concerning the said Lands, or other Real or Personal Estate vested in them, Debts, Claims, Rights and Property of the said Board of Trustees, sue and be sued, implead and be impleaded; and no such Suit, Action or Prosecution, shall be discontinued or abate by the death of any such Trustee, or on his ceasing to be such Trustee, but shall and may be proceeded in by the remaining Trustee or Trustees for the time being—any Law, usage or custom to the contrary notwithstanding; and the Trustees for the time being shall pay or receive the like Moneys, Costs and Expenses, as if the Action or Suit had been prosecuted by individuals, and for the

Powers of Trustees.

benefit of, or to be reimbursed from, the Trust Funds of the said Church.

Trustees may purchase, or in any other lawful mode, acquire Real or Personal Estate.

IV. It shall and may be lawful for the Trustees for the time being, to be appointed by or in pursuance of this Act, or the major part of them, and they are hereby authorised, in their several names, and under the designation of "The Trustees of the People called Bible Christians of *Prince Edward Island*," to contract for and purchase, or in any lawful mode, whether by Devise, Bequest or otherwise, to acquire or obtain, either in Fee Simple or for any Life or Lives, or Term or Terms of Years, for the benefit or purposes of the said Church of Bible Christians, any Messuages, Lands, Tenements, Buildings or Hereditaments, Real or Personal Estate whatsoever, in this Island, and to take and receive the necessary and legal Conveyances, Leases, Deeds, Assignments, Devises or other transfers thereof, respectively, to hold for, upon, under and subject to the uses and purposes in this Act mentioned; and the said Messuages, Lands and Tenements, with the Appurtenances, shall be and remain vested in the said Trustees—subject, nevertheless, in all cases, to be used and disposed of according to the decision of the majority of the said Trustees, for any such uses and purposes aforesaid.

Trustees to be allowed reasonable Costs.

Yearly income of Corporation not to exceed £500.

V. The said Corporation shall retain or be paid and allowed out of the Trust Funds all reasonable Costs, Charges and Expenses incurred in and about the Trust aforesaid, or any other Trust declared in this Act: Provided always, that it shall not be lawful for the said Corporation to hold Real Estate for the use of the said People, which shall exceed in value and yield at any time more than a clear net yearly Income of Five hundred Pounds.

VI. Nothing herein contained shall affect, or be construed to affect, in any manner or way, the Rights of Her Majesty, Her Heirs or Successors, or of any person or persons, or of any Body Politic or Corporate—such only excepted as are herein mentioned.

Not to affect the rights of Her Majesty, &c.

VII. In case of necessity, the said Trustees, or a majority of them, shall have full power to mortgage the Premises vested in them as aforesaid, till any Debts that may be contracted shall be fully discharged; and in case the said Trustees shall have occasion to lay out, or to borrow any Moneys to defray the Expenses incurred in building or repairing the said Chapels and Mission Houses, and in case they shall be under the necessity of paying off and discharging the same, then it shall and may be lawful to and for the said Trustees to give to the President for the time being of the Conference of the People aforesaid, Twelve Calendar Months' Notice of such their intention; and in case they shall not receive such Moneys within such time from the said President, or from the said Society, then they, the said Trustees, shall be at full liberty to sell and dispose of the same by Public Auction, for the most Money that can be obtained for the same, and effectually to convey the same to the Purchaser or Purchasers thereof, and to give a proper discharge for the Purchase Money—which Purchase Money shall be applied to the payment of the Debts due on the said Chapels and Premises, if any: And in case of there being a surplus, after the Debts due on the Chapels are fully discharged, the said Trustees or their successors shall pay the same to such person or persons, and for such purposes as the said Annual Conference of the People called Bible Christians shall direct and appoint.

Empowers Trustees to mortgage Premises.

Mode of proceeding, when it shall be found necessary to lay out or borrow Money, &c.

## CAP. XIX.

An ACT to continue an Act empowering the Administrator of the Government to shut up Roads or parts of Roads.

[April 3, 1852.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, as follows:

Continues for  
10 years the  
Act, 3 W. 4,  
cap. 28.

I. That the Act made and passed in the Third Year of the Reign of His late Majesty King *William the Fourth*, intituled *An Act to empower the Administrator of the Government to shut up such Roads or parts of Roads as are no longer required*, be, and the same is hereby continued in full force and effect for the period of Ten Years from the passing hereof, and until the end of the then next Session of the General Assembly, and no longer.

## CAP. XX.

An ACT to regulate the Office of Colonial Secretary and Road Correspondent of this Island, and the amount of Fees to be taken therein.

[April 3, 1852.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, as follows:—

Colonial Secretary and Road Correspondent's Office, where and when kept.

I. The Office of the Colonial Secretary and Road Correspondent shall be kept in the Colonial Building, and be open for the Public Business from Ten o'clock in the morning to

Three o'clock in the afternoon on each day,  
(*Sundays and Holidays* excepted.)

II. The Colonial Secretary and Road Correspondent shall hereafter take and receive in his Office the Fees and Amounts following, (that is to say):

For every Grant of Land, passing the Seal of this Island, Ten Shillings. Fees.

All Licences under Seal, over and above the Fee for the Lieutenant Governor's Signature, Six Shillings.

For Copies of all Documents, Papers or Records, or extracts therefrom, when authorised to be taken by the Administrator of the Government for the time being, and whose authority therefor must be first obtained, at the rate of One Shilling for every One hundred words.

For every Search made in his Office, when authorised in the same manner as the taking of Copies of Documents, *et cetera*, One Shilling.

For every Certificate, whether required to a Copy of a Document or Record, or Extract therefrom, or for any other purpose, Two Shillings and Three-pence.

III. So much of an Act passed in the Sixteenth Year of the Reign of King *George the Third*, intituled *An Act for regulating Fees*, as relates to the Fees to be taken by the Provincial and Private Secretaries of this Island, shall be and the same is hereby repealed.

Repeals so much of the Act, 16 G. 3, cap. 1, as relates to the Provincial and Private Secretaries' Fees.

IV. The said Colonial Secretary and Road Correspondent shall keep an exact and correct Account in a Book of all Fees, Payments and Emoluments whatsoever, paid or payable to him, or into his Office, on any account whatsoever, which shall at all times be open to the

Account of fees, &c., to be kept by Colonial Secretary, and be open to the inspection of the Government, or any persons appointed to inspect the same.

Fees, &c., to be paid to Treasurer quarterly.

First payment, when to be made, and how applied.

Account of all disbursements for the Road Service to be also kept by Colonial Secretary and Road Correspondent, —subject to like inspection.

Penalty for refusal or neglect.

Penalty, how recoverable.

inspection of the Government of this Island, or any person or persons appointed by it to inspect the same; and he shall account for and pay the amount of all such Fees, Payments and Emoluments, to the Treasurer of this Island, Quarterly, on the First Days of *July, October, January and April*, or within Ten Days from such periods respectively in each year—the first payment to be made on the First Day of *July* next after the passing of this Act, and the amounts so paid to be applied to and for the use of Her Majesty's Government of this Island, in such manner as shall be appropriated by any Act or Acts of the Legislature thereof.

V. The Colonial Secretary and Road Correspondent shall also keep a Book, in which shall be entered an exact and correct Account of all Moneys paid to and disbursed by him for the Road Service, and the particulars thereof—which shall be subject to like inspection by the Government, or any person or persons appointed by it to inspect the same.

VI. In case the person holding the said Office of Colonial Secretary and Road Correspondent shall refuse or wilfully neglect to keep such Books as aforesaid, or either of them, or to allow the inspection thereof as aforesaid, or to account and pay over to the Treasurer, in manner as in the Fourth Section of this Act mentioned, he shall, for every such refusal or neglect, forfeit and pay to Her Majesty the sum of Fifty Pounds—over and above the amount of any deficiency in the said Moneys so by him payable—the same to be recovered by Bill, Complaint or Information, in the Supreme Court of Judicature of this Island, to and for the use of Her Majesty's Government thereof.

## CAP. XXI.

An ACT to make Provision for the Service of Non-bailable Process, in certain cases.

[April 3, 1852.]

**W**HEREAS there is no sufficient Provision regulating the Service of Non-bailable Process issuing out of the several Courts of Law in this Island, either in the case of Bodies Corporate or persons carrying on Business therein, who may have a Place of Business, but no place of Residence, in this Colony, or in the case of Proprietors or Owners of Land in this Island, who are resident out of the jurisdiction of the Courts of Law of this Island: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows:

I. That in all cases where, after the passing of this Act, Non-bailable Process shall be issued out of the Supreme Court of Judicature of this Colony, against any Body Corporate or person carrying on Business in this Island, who may have a Place of Business, but no place of Residence therein, the service of such Process may be effected by leaving a Copy of the same, with the ordinary English Notice thereunder written, of the purport and effect of such Process, at the Place of Business of said Defendant or Defendants, with some Agent or Clerk or adult person in the employment of the Defendant or Defendants in such Business, and known to the person serving the same, as being an Agent, Clerk or Person in the employment of the Defendant or Defendants in such Business.

Service of Non-bailable Process against Body Corporate, &c., how effected.



Service of Non-bailable Process against non-residents, how effected.

II. That the service of any Non-bailable Process, issued out of the Supreme Court, after the passing of this Act, against any Proprietor or Owner of Land who may be resident out of the limits of this Island, may be effected by causing a Copy of the same, with the ordinary English Notice thereunder written, of the purport and effect of such Process, to be served on any Agent or Attorney in this Island, who, at the time of such service, shall be authorised by Power or Letter of Attorney, in writing, to bring or defend any Action or Suit at Law.

Service of Process not deemed good, unless certain formalities are complied with.

III. Provided always, that no service of any Process made by virtue of this Act, shall be deemed good service unless the same shall have been made by the Sheriff of the County to whom the same shall have been directed, or his Deputy, nor without an Affidavit, by the party so serving the same, setting forth the facts, time and place of such service; and if under the Second Section of this Act, every Affidavit shall also contain, shortly, the fact of the existence and general tenor of the Power or Letter of Attorney, and the name or names of the person therein or thereby authorised; and if such Document be not registered, the party in possession thereof shall be liable to produce the same for inspection, before the service of such Process, upon an Order for that purpose made by any Judge of the Supreme Court of Judicature.

Requisites of Affidavit to be made by person serving Process under 2d Section of this Act.

Person in possession of Power of Attorney, to produce the same.

Suspending Clause.

IV. Nothing herein contained shall have any force or effect until Her Majesty's pleasure therein shall be known.

## CAP. XXII.

An ACT to amend certain parts of the Law now in force relating to the Admission of Barristers, Solicitors and Attorneys, and to make other Provisions in addition thereto.

[April 3, 1852.]

WHEREAS it is deemed expedient to amend certain parts of an Act made and passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Thirty-one, intituled *An Act to repeal the Acts for the Admission of Barristers, Attorneys and Solicitors, and to make other Provisions in lieu thereof*: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows :

11 Vic., cap.  
31.

I. From and after the passing of this Act, any Person, being a Barrister of any Court in Great Britain or Ireland, or an Attorney, Solicitor or Barrister of any British Province or Colony, and who shall have resided in this Island for a period of at least Twelve Months previous to making application for Admission, shall be entitled to be admitted to Practice as an Attorney and Barrister of the Supreme Court of Judicature of this Island, without having previously entered and continued for One Year as a Student in the Office of one of the Attorneys of the said Court, having the Rank of a Barrister, as in the said recited Act mentioned, on his producing a satisfactory Certificate, bearing date within Six Months previous to the commencement of his Residence in this Island, from a Judge of the Court to which he belongs, of his being at the Bar or on the Rolls of such Court, and of his being in actual Practice at the time

Barristers, &c., of any Court of Great Britain or Ireland, or any British Colony, entitled to Practice in the Supreme Court of this Island, after Twelve Months' residence, &c.

Certificate to be produced.

Applicant to submit to an examination, if required.

when such Certificate was granted, and that he has conducted himself with credit and reputation since he was called to the Bar, or admitted to Practice in the Court to which he belongs, and that he is a Person of good moral character ; and if he shall be otherwise qualified for such Admission, under the provisions of the said recited Act, and, if required by the Judges of the Supreme Court of Judicature of this Island so to do, shall submit himself to, and pass a satisfactory Examination touching his fitness and capacity, as aforesaid.

Terms of admission to the Bar of this Island, by Barristers, &c., of the British Provinces.

II. When and so often as any Person, being an Attorney and Barrister of any other British Province or Colony, and who shall be otherwise qualified for such Admission under the Provisions of the said recited Act, shall apply to be admitted as an Attorney and Barrister of the Supreme Court of Judicature of this Island, it shall be lawful for such Court to admit such Person, and to call him to the Bar of this Island, without requiring that the Person so making Application shall have previously entered and continued for one year as a Student in the Office of one of the Attorneys of the said Court, having the Rank of a Barrister, as in the said recited Act mentioned, or shall have resided in this Island for a period of Twelve Months previous to making Application as aforesaid, provided it shall appear to the said Court, and be clearly proved, that Attorneys and Barristers of the Supreme Court of Judicature of this Island are, at the time when any such Application shall be made, entitled to equal Privileges and freedom of Admission to the Bar of the Courts of Law, Equity and Judicature in the Country to the Bar of which the Attorney, Solicitor and Barrister, seeking Admission, belongs, as are by this and the said recited Act extended to such

Person so making application as aforesaid; and provided also, that such Person so applying for Admission shall, at the same time thereof, produce a Certificate from one of the Judges of the Supreme Court of the Country to the Bar of which he belongs of his being on the Rolls of such Court, and of his being in actual Practice at the time when such Certificate was granted—which Certificate shall bear date within Six Months previous to such Application, so to be made as aforesaid; and such Applicant shall also produce a Certificate of such Court, or of a Judge of the same, of his having conducted himself with credit and reputation since his Admission, and also of his being a Person of good moral Character; and such Applicant shall also be subject to an Examination or otherwise, touching his Qualifications, at the discretion of the said Supreme Court of this Island.

Certificate to be produced.

Applicant to submit to an examination.

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## CAP. XXIII.

### An ACT to provide a Summary Remedy for Females, in certain Cases of Seduction.

[April 3, 1852.]

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, as follows :

I. In all Actions hereafter to be brought for Seduction of Females, where the Damages sought to be recovered shall not exceed One hundred Pounds, the Action shall and may be brought, if the Plaintiff so elect, by and in the name of the Woman seduced, whether a minor or otherwise, who, notwithstanding she shall be the Plaintiff in the Cause, shall be admitted as

Actions for Damages, how brought.

Plaintiff to be admitted as an evidence.

an Evidence therein, to and for all such purposes as she might or could have been before the passing of this Act, in case the Action had been brought *per quod servituum amisit*, by her Parent, Guardian or Master.

Declaration not deemed defective by reason of its containing no allegation of pecuniary loss.

II. No Declaration or other Pleading, on the part of the Plaintiff, in any such Action, shall be deemed defective or insufficient in Law by reason of containing no Allegation of pecuniary Loss or Damage, necessarily sustained by her Pregnancy and Delivery; nor shall any such Plaintiff become Nonsuit by reason of not adducing Evidence of any such pecuniary Loss or Damage: Provided always, that the Evidence of the said Plaintiff so to be admitted in such Cause shall not be deemed or construed to give to her a Right in Law to any certain Amount of Damages whatsoever; but the finding of Damages and the Amount thereof shall be wholly, as heretofore, in the discretion of the Jury, impanelled to Try the Cause, who may, in their discretion, refuse to find any Damages whatsoever, in case they may deem the Plaintiff not to merit the same.

Discretionary powers of Jury.

Defendant may be held to Bail.

III. The Defendant, in any such Action, may be held to Bail in any Sum not exceeding One hundred Pounds, allowed by any Justice of the Supreme Court in a Trial to be granted for that purpose, upon an Affidavit of the Facts being first duly Sworn and laid before such Justice.

Amends or Compensation may be paid into Court.

IV. The Defendant shall and may, in all such Cases, be at liberty to pay into Court any Sum of Money as Amends or Compensation in full for the Injury sustained by the Plaintiff, and to prove, in the ordinary manner and subject to the ordinary Rules of Court, a Tender and Refusal of such Sum, before Action brought.

V. In case a Verdict shall be found for the Plaintiff, the Judge who shall have tried the Cause, if in his Discretion he may deem the same conducive to the Interest of the Plaintiff, name a Trustee on her behalf, to whom the Amount of the Verdict and Costs shall be paid, and whose Receipt for the same shall be as effectual a Discharge to the Defendant as the Plaintiff's otherwise would be, and who shall have the disposal of the said Amount of Verdict, in such manner and in such Instalments, as in the discretion of such Trustee shall be most prudent for the Interest of the said Plaintiff.

Judge may appoint a Trustee, to whom amount of Verdict, &c., shall be paid.

Power of Trustee.

VI. This Act shall be and continue in force for the Term of Five Years from the passing thereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act.

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## C A P. X X I V.

### An ACT to regulate the Sale of Arsenic and other Poisons therein mentioned.

[April 3, 1852.]

**W**HEREAS the unrestricted Sale of Arsenic and other Poisons facilitates the commission of Crime and the occurrence of Accidents: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows:—

I. Every Person who shall Sell any Arsenic, Strychnine or Prussic Acid, shall forthwith, and before the delivery thereof to the Purchaser, enter, or cause to be entered, in a fair and regular manner, in a Book or Books to be kept by such Person for that purpose, in the Form set forth in the Schedule to this Act, or to the

On every Sale of Arsenic, Strychnine or Prussic Acid, particulars of Sale to be entered in a Book by the Seller, in form set forth in Schedule to this Act.

like effect, a statement of such Sale, with the quantity of Arsenic, Strychnine or Prussic Acid so sold, and the purpose for which the same is required or stated to be required, and the day of the Month and Year of the Sale, and the Name, Place of Abode, and Condition or Occupation of the Purchaser—into all which circumstances the Person selling such Arsenic, Strychnine or Prussic Acid, is hereby required and authorized to inquire of the Purchaser before delivering the same to him; and such Entries shall, in every case, be signed by the Person making the same, and shall also be signed by the Purchaser, unless such Purchaser professes to be unable to write, (in which case, the Person making the Entries hereby required shall add to the Particulars to be entered in relation to such Sale, the words “cannot write”); and where a Witness is hereby required to the Sale, shall also be signed by such Witness, together with his Place of Abode.

Restrictions as  
to Sale of Arsenic,  
&c.

II. No Person shall Sell Arsenic, Strychnine or Prussic Acid, to any Person who is unknown to the Person selling the same, unless the Sale be made in the presence of a Witness who is known to the Person selling the same, and to whom the Purchaser is known, and who signs his name, together with his Place of Abode, to such Entries before the Delivery of the Arsenic or other Poisons herein before named to the Purchaser, and no Person shall sell Arsenic or any of the other Poisons herein before named to any Person other than a Person of full age.

Provisions for  
colouring Arsenic.

III. No Person shall Sell any Arsenic unless the same be, before the Sale thereof, mixed with Soot or Indigo, in the proportion of One Ounce of Soot, or Half an Ounce of Indigo, at the least.

to One Pound of the Arsenic, and so in proportion for any greater or less quantity: Provided always, that where such Arsenic is stated by the Purchaser to be required not for use in Agriculture, but for some other purpose, for which such admixture would, according to the Representation of the Purchaser, render it unfit, such Arsenic may be Sold without such admixture, in a quantity of not less than Two Pounds at any one time.

IV. If any Person shall Sell any Arsenic, Strychnine or Prussic Acid, save as authorized by this Act, or on any such Sale shall deliver the same without having made and signed the Entries hereby required on such Sale, or without having obtained such Signature or Signatures to such Entries as required by this Act; or if any Person purchasing any such Poison as aforesaid shall give false information to the Person selling the same, in relation to the particulars which such last mentioned Person is hereby authorized to inquire into of such Purchaser; or if any Person shall sign his Name as aforesaid, as a Witness to a Sale of Arsenic, to a Person unknown to the Person so signing as Witness; every Person so offending, shall, for every such Offence, upon a Summary Conviction for the same before Two Justices of the Peace in this Island, be liable to a Penalty not exceeding Five Pounds.

Penalty for offending against this Act.

V. This Act shall not extend to the Sale of Arsenic, Strychnine or Prussic Acid, when the same form part of the Ingredients of any Medicine required to be made up or compounded according to the Prescription of a legally qualified Medical Practitioner, or a Member of the Medical Profession, or to the Sale of Arsenic by wholesale to Retail Dealers, upon Orders in

Act not to prevent Sale of Arsenic, for Medicine, under a Medical Prescription.



Writing in the ordinary course of wholesale dealing.

Prohibits the use of Strychnine for the purpose of destroying Foxes.

Penalty for offending against this Section.

VI. It shall not be lawful for any Person or Persons, after the passing of this Act, to make use of the Poison called Strychnine, herein before mentioned, whether in small or large quantities, for the purpose of destroying Foxes or other Animals; and any such Person or Persons offending against the Provisions of this Clause, and making use of Strychnine for such purposes as aforesaid, shall for each and every Offence be liable to pay a Fine or Penalty not exceeding Five Pounds—the same to be recovered, with Costs, on Oath of One or more credible Witness or Witnesses, before any Two of Her Majesty's Justices of the Peace for the County wherein the Offence was committed, and levied by Distress and Sale of the Offender's Goods and Chattels; or in default thereof, the Offender to be imprisoned in the Common Jail of the County for a period not exceeding One Month; and the amount of such Penalty, when recovered, shall belong and be paid to the Party or Parties informing or suing for the same.

"Arsenic" to include Arsenious Compounds.

VII. In the construction of this Act, the word "Arsenic" shall include Arsenious Acids and the Arsenites, Arsenic Acid and the Arseniates, and all other colourless Poisonous Preparations of Arsenic.

## Schedule to which this Act refers.

| Day of Sale.     | Name and Sur-name of Purchaser. | Purchaser's place of Abode. | Condition or Occupation. | Quantity of Arsenic or other Poison sold. | Purpose for which required. |
|------------------|---------------------------------|-----------------------------|--------------------------|-------------------------------------------|-----------------------------|
| 1 September, 185 | John Roberts.                   | St. Eleanor's.              | Farmer.                  | 5 lbs.                                    | To steep Wheat.             |

(Purchaser's Signature)

*John Roberts.*

(Or if Purchaser cannot write, Seller to put here the words "cannot write.")

Witness,

*James Stone,*  
Township 25.Seller's Signature,  
*George Wood.*

## CAP. XXV.

An ACT further to continue an Act relating to Dogs, and the Taxation thereon.

[April 3, 1852.]

Continues for 10 years, the Act, 9 Vic., cap. 3.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Ninth year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to consolidate and amend the several Acts relating Dogs, and the Taxation thereon*, which was continued by an Act passed in the Thirteenth year of the same Reign, intituled *An Act to continue several Acts therein mentioned*, be and the same is hereby further continued and declared to be in force for the space of Ten Years after the passing hereof, and from thence to the end of the then next Session of the General Assembly and no longer.

## CAP. XXVI.

An ACT for raising a Revenue.

[April 3, 1852.]

WHEREAS it is deemed expedient further to continue and amend the hereinafter recited Act: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows:

Continues for one year, the Act, 12 Vic., c. 10, except so much thereof as

I. That an Act made and passed in the Twelfth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for raising a Revenue*—save and except such Clauses

and parts thereof as are repealed by the Act of the Fourteenth Year of Her present Majesty's Reign, Chapter Nine—be, and the same is hereby continued, with certain amendments hereinafter mentioned, for the space of One Year from and after the First Day of *May*, One thousand eight hundred and fifty-two, and until the Second Day of *May*, which will be in the Year of our Lord One thousand eight hundred and fifty-three.

is repealed by the Act, 14 Vic., cap. 9, with certain amendments.

II. From and after the commencement of this Act, and until the said Second Day of *May*, One thousand eight hundred and fifty-three, there shall be raised, levied and paid on the several Articles hereinafter mentioned, which shall be brought or imported into this Island, from any Place or Country whatsoever, the several Impost Duties, Rates and Impositions inserted, described and set forth in figures in the Table of Duties hereinafter contained, denominated "Table of Impost Duties," opposite to and against the said respective Articles, as therein mentioned, described and enumerated, and according to the value, number and quantity thereof, as therein specified—the First Column of Duties in the said Table denoting the *ad-valorem* Duty, or amount payable on every One hundred Pounds' worth of the Articles imported—which shall be in like proportion for any less amount than One hundred Pounds' worth—and the Second Column denoting the specific Duty upon each Article; and the said Duties shall be calculated on the actual value or amount of the Invoice when reduced into lawful Current Money of this Island—which said several Duties, Rates and Impositions shall be in lieu of all Duties, Rates and Impositions imposed by the herein before recited Act, or by an Act passed in the Thirteenth Year of the

Imposes certain Rates and Duties.

Duties, how calculated.

Present Duties to be in lieu of all Duties imposed under 12 Vic., cap. 10, 13 Vic., cap. 1, (2d Session,) or 14 Vic., cap. 14.

Reign of Her present Majesty, Second Session,  
Chapter One, or by the Act of the Fourteenth  
*Victoria*, Chapter Nine.

**Table of Impost Duties referred to in the  
preceding Clause of this Act.**

| ARTICLES.                                                                                         | 1st column.                                                                                             |    |    | 2d column.       |    |    |
|---------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|----|----|------------------|----|----|
|                                                                                                   | Per Cent-<br>age, <i>ad va-<br/>lorem</i> Duty<br>on every<br>£100 Cur-<br>rency value,<br>per Invoice. |    |    | Other<br>Duties. |    |    |
|                                                                                                   | £                                                                                                       | s. | d. | £                | s. | d. |
| <b>Table of Duties.</b> Blocks and Deadeyes,                                                      | 5                                                                                                       | 0  | 0  |                  |    |    |
| Crackers, the Cwt.,                                                                               |                                                                                                         |    |    | 0                | 6  | 6  |
| Butter, the cwt.,                                                                                 |                                                                                                         |    |    | 0                | 9  | 0  |
| Boots and Shoes,                                                                                  | 10                                                                                                      | 0  | 0  |                  |    |    |
| Boards, per Thousand Feet,                                                                        |                                                                                                         |    |    | 0                | 2  | 6  |
| Buffalo Robes,                                                                                    | 10                                                                                                      | 0  | 0  |                  |    |    |
| Books, being the Reprinting of British<br>Authors, under the Imperial Act<br>of 11 Vic., cap. 28, | 20                                                                                                      | 0  | 0  |                  |    |    |
| Canvas Sail Cloth,                                                                                | 2                                                                                                       | 0  | 0  |                  |    |    |
| Clothes, ready made, viz: Coats,<br>Vests, Jackets and Trowsers,                                  | 10                                                                                                      | 0  | 0  |                  |    |    |
| Cordage,                                                                                          | 2                                                                                                       | 0  | 0  |                  |    |    |
| Cheese, the cwt.,                                                                                 |                                                                                                         |    |    | 0                | 8  | 0  |
| Coffee, the lb.,                                                                                  |                                                                                                         |    |    | 0                | 0  | 1½ |
| Chocolate or Cocoa Paste,                                                                         |                                                                                                         |    |    | 0                | 0  | 1  |
| Cigars,                                                                                           | 30                                                                                                      | 0  | 0  |                  |    |    |
| Cider, per gallon,                                                                                |                                                                                                         |    |    | 0                | 0  | 6  |
| Clocks—on all Clocks costing under<br>20s. each,                                                  |                                                                                                         |    |    | 0                | 5  | 0  |
| All other descriptions of Clocks,                                                                 |                                                                                                         |    |    | 0                | 10 | 0  |
| All Wheel Machinery and Materials<br>for Manufacturing Clocks and<br>Watches,                     | 25                                                                                                      | 0  | 0  |                  |    |    |
| Carriages,                                                                                        | 15                                                                                                      | 0  | 0  |                  |    |    |
| Cattle (neat), except Cows and Calves,                                                            |                                                                                                         |    |    | 1                | 0  | 0  |
| Dye Wood and Dye Stuffs of all kinds,                                                             | 5                                                                                                       | 0  | 0  |                  |    |    |
| Fish, per barrel,                                                                                 |                                                                                                         |    |    | 0                | 2  | 0  |
| Fish (dried), per quintal,                                                                        |                                                                                                         |    |    | 0                | 1  | 6  |
| Flour (Wheaten), for every 196 lbs.                                                               |                                                                                                         |    |    | 0                | 5  | 0  |
| Horses, Mares and Geldings, each,                                                                 |                                                                                                         |    |    | 2                | 0  | 0  |
| Jewellery,                                                                                        | 10                                                                                                      | 0  | 9  |                  |    |    |

| ARTICLES.                                                                                                                                                                                                             | 1st column.                                                                                             | 2d column.       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|------------------|
|                                                                                                                                                                                                                       | Per Cent-<br>age, <i>ad va-<br/>lorem</i> Duty<br>on every<br>£100 Cur-<br>rency value,<br>per Invoice. | Other<br>Duties. |
| Leather (Sole), per lb.,                                                                                                                                                                                              | £ s. d.                                                                                                 | 0 0 1            |
| — (Upper and Trimming) per lb.,                                                                                                                                                                                       |                                                                                                         | 0 0 3            |
| — (Harness) per lb.,                                                                                                                                                                                                  |                                                                                                         | 0 0 1            |
| Lard, the cwt.,                                                                                                                                                                                                       |                                                                                                         | 0 8 0            |
| Meat (salted or cured), the cwt.,                                                                                                                                                                                     |                                                                                                         | 0 6 0            |
| Molasses, per gallon,                                                                                                                                                                                                 |                                                                                                         | 0 0 2            |
| Porter, Ale and Beer, (including the<br>Duty imposed by Act, 35th Geo.<br>3, Cap. 10,) per gallon, }                                                                                                                  |                                                                                                         | 0 0 3            |
| Pitch,                                                                                                                                                                                                                | 2 0 0                                                                                                   |                  |
| Rigging,                                                                                                                                                                                                              | 2 0 0                                                                                                   |                  |
| Rum or other Distilled Spirituous<br>Liquors imported into this Island,<br>(including the sum of Ten Pence<br>per gallon, as imposed by Act of<br>25th Geo. 3, Cap. 4, and by 35th<br>Geo. 3, Cap. 10,) per gallon, } |                                                                                                         | 0 3 0            |
| Sails,                                                                                                                                                                                                                | 2 0 0                                                                                                   |                  |
| Spirituous Liquors, on all maufac-<br>tured or distilled in this Island, }                                                                                                                                            |                                                                                                         | 0 0 6            |
| per gallon,                                                                                                                                                                                                           |                                                                                                         |                  |
| Sugar (refined), per lb.,                                                                                                                                                                                             |                                                                                                         | 0 0 2            |
| — (Brown or Muscovado) per cwt.,                                                                                                                                                                                      |                                                                                                         | 0 6 0            |
| Tar,                                                                                                                                                                                                                  | 2 0 0                                                                                                   |                  |
| Tea, per lb.,                                                                                                                                                                                                         |                                                                                                         | 0 0 4            |
| Tobacco (manufactured), per lb.,                                                                                                                                                                                      |                                                                                                         | 0 0 4            |
| — (unmanufactured) per lb.,                                                                                                                                                                                           |                                                                                                         | 0 0 2            |
| Watches,                                                                                                                                                                                                              | 10 0 0                                                                                                  |                  |
| Sails, Rigging and Ship Materials,<br>saved from Vessels wrecked on<br>the Coasts of this Island—Duty<br>payable on amount of Sales not<br>belonging to the Island, }                                                 | 5 0 0                                                                                                   |                  |
| Ship Stores and Cargo saved from<br>Wrecks, or sold in a Vessel strand-<br>ed, to pay same Duty as in cases<br>of importation. }                                                                                      |                                                                                                         |                  |
| Where a Vessel is stranded and con-<br>demned, or sold whilst stranded,<br>a Duty shall be paid on the<br>amount of Sales of her Hull, Rig-                                                                           |                                                                                                         |                  |

| ARTICLES.                                                                                                                                                                                                                        | 1st column.                                                                                          | 2d column.       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|------------------|
|                                                                                                                                                                                                                                  | Per Cent-<br>age <i>ad valo-<br/>rem</i> Duty on<br>every £100<br>Currency<br>value, per<br>Invoice. | Other<br>Duties. |
| ging and Materials, whether she<br>be again got off, or be there broken<br>up, of                                                                                                                                                | £ s. d.<br>5 0 0                                                                                     |                  |
| Wine, imported into this Island, (in-<br>cluding the sum of Ten-pence per<br>gallon, as imposed by the Act of<br>25th Geo. 3, Cap. 4, and the Act<br>of 35th Geo. 3, Cap. 10,) per gal-<br>lon,                                  |                                                                                                      | 0 3 6            |
| Spirits, viz: Brandy, Gin and Cor-<br>dials imported into this Island,<br>(including the sum of Ten-pence<br>per gallon, as imposed by the Act<br>25 Geo. 3, Cap. 4, and also by the<br>Act, 35 Geo. 3, Cap. 10,) per<br>gallon, |                                                                                                      | 0 3 6            |
| Articles, manufactured of Wood,<br>(except Brushes, Planes, Figure<br>Heads and Musical Instruments,)<br>and such Articles as Wood forms<br>the principal part of, not herein<br>before mentioned,                               | 10 0 0                                                                                               |                  |
| On all kinds of Goods, Wares and<br>Merchandize whatsoever, not a-<br>bove enumerated, except as here-<br>inafter mentioned,                                                                                                     | 5 0 0                                                                                                |                  |
| On all Juniper Knees exported after<br>the First Day of July next, each,                                                                                                                                                         |                                                                                                      | 0 0 3            |

III. All Articles in the following Table shall  
be exempted from any Duty:

#### TABLE OF EXEMPTIONS.

Table of Ex-  
emptions.

Anchors,  
Baggage of Emigrants,  
Barley,  
Books (printed) of all kinds, not prohibited to be imported  
into the United Kingdom,  
Blocks, Rigging and Sails, which may have been used in tak-  
ing any new Vessel from this Island to a Market for sale,  
if such Blocks, Rigging and Sails shall be returned forth-  
with, after the sale of the Vessel, direct to this Island, by

the exporter thereof, and shall have previously paid or been charged with the Duty imposed thereon by this or any former Act, on the first importation thereof into this Island,

Chain Cables,

Copper Rods, Bolts and Nails,

Engine (Fire),

Flax,

Fish (the produce of the Fisheries of this Island),

Gypsum,

Hemp,

Implements of Husbandry imported by any Agricultural Society, to be sold or used by such Society,

Iron (unwrought or Pig Iron),

Lime,

Lumber (except Boards),

Manures,

Oats,

Oakum,

Oil (Fish), except Seal Oil,

Salt,

Seeds of all kinds, imported by any Agricultural Society, to be sold or used by such Society,

Articles imported by the Lieutenant Governor, for his own private use,

Staves,

Stone (Lime),

Stone for building,

Stone (Burr),

Tallow,

Teasels,

Trees (Fruit), Plants and Shrubs.

IV. After the passing of this Act, the Duty to be levied and paid on each and every Gallon of Spirituous Liquors manufactured, extracted or distilled in this Island, by virtue of the provisions of the said Act of the Twelfth *Victoria*, Chapter Ten, hereby continued, shall be Sixpence instead of Eight-pence, as in the Forty-second Section of the said Act mentioned.

Duty on Spirits  
manufactured  
in this Island.

V. The said recited Acts, and all and every Act and Acts of the General Assembly of this Island now in force, in relation to the securing, levying, collecting and recovering the Duties

Continues in  
full force cer-  
tain former  
Acts, for the  
purpose of se-  
curing the du-



ties imposed by  
this Act.

granted by the said recited Acts, shall severally be and remain in full force and effect, for the purpose of securing, levying, collecting and recovering the Duties hereby granted and imposed; and all and every the Powers and Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters and Things contained in the said Acts, or any of them, and in force as aforesaid, shall severally and respectively be duly observed, practiced, applied and put in execution, in relation to the said Duties thereby and hereby granted and imposed, as well during the term hereby limited as after the expiration thereof, for securing, levying, collecting and recovering the said Duties, and all arrears thereof, and all Penalties and Forfeitures that may have heretofore been incurred under and by virtue of any of the herein before recited Acts, and for suing for and recovering all such Penalties which shall have been or may be incurred in relation to the said Duties, as fully and effectually, to all intents and purposes, as if the same Powers, Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters and Things, were particularly repeated and re-enacted in the body of this Act, with reference to the said Duties hereby or thereby granted and imposed.

Articles, the  
growth or pro-  
duction of Can-  
ada, &c. may be  
admitted into  
this Island free  
of duty, on cer-  
tain conditions.

VI. When and so soon as the Lieutenant Governor or other Administrator of the Government for the time being shall issue his Proclamation, declaring that the Articles hereinafter enumerated, being the growth or production of this Island, are admitted into the British North American Provinces of *Canada*, *Nova Scotia*, *New Brunswick* and *Newfoundland*, or either of them, free of Duty, on and after the day when such Proclamation shall be published, and during the continuance of this Act, the like

Articles, being the growth or production of *Canada, Nova Scotia, New Brunswick* or *Newfoundland*, or of either of them, shall be exempted from the Duties hereby imposed upon them, and shall be admitted into this Island free of Duty, (any thing in this Act contained, to the contrary, notwithstanding,) when imported direct from the said Provinces, or either of them, so long as the said Articles are admitted into *Canada, Nova Scotia, New Brunswick* and *Newfoundland*, or either of them, free of Duty, *videlicet*: Grain and Bread Stuffs of all kinds and descriptions, Vegetables, Fruits, Seeds, Hay and Straw, Animals, Salted and Fresh Meats, Butter, Cheese, Lard, Tallow, Hides, Horns, ~~Wool~~, Undressed Skins and Furs of all kinds, Ores of all kinds, Iron in Pigs and Blooms, Copper, Lead in Pigs, Grindstones and Stones of all kinds, Earth, Coal, Lime, Ochres, Gypsum, (ground and unground,) Rock Salt, Wood, Timber and Lumber of all kinds, Firewood, Ashes, Fish, Fish Oil, *videlicet*: Train Oil, Spermaceti Oil, Head Matter and Blubber; Fins and Skins, the produce of Fish or Creatures living in the Sea.

Articles enumerated.

VII. When any Goods or Articles shall be imported into the Port of *Charlottetown*, in this Island, the person or persons importing the same shall make an Entry thereof in Duplicate, and after a Permit to land the same shall have been made out and granted to him or them by the Collector of Impost for the Port of *Charlottetown*, in the manner, and subject to the restrictions and regulations contained in any of the Acts of the Legislature of this Island, now or hereafter to be in force relating thereto, the person or persons making the Entry shall take the Duplicate Copy thereof, certified by the said Collector, together with the Permit, to the

Entries to be made in Duplicate at Port of Charlottetown.

Permit to land Goods, to be granted by Collector of Impost.

Duplicate Copy of Entry to be filed in Treasurer's Office.

Treasurer to  
countersign  
Permit.

Returns of  
Spirits distilled  
in this Island,  
to be made in  
duplicate with  
Collector of Im-  
post.

Duplicate Copy  
to be filed with  
Treasurer.

Office of the Treasurer of this Island, and there file the said Duplicate Copy, and the Treasurer shall thereupon sign his name on the back of the Permit; and it shall not be lawful for any person or persons to land any Goods or Articles in the Port of *Charlottetown*, until the said Permit thereof shall first have been countersigned by the Treasurer as aforesaid: And the Returns and Accounts of Spirits distilled, extracted and manufactured in this Island, or any other Dutiable Article, and of the Duties to be paid thereon, shall also be made with the said Collector of Impost (where by Law they are required to be made with him), in Duplicate; and the Duplicate Copy of such Returns and Accounts, signed by the said Collector, shall, immediately after the same has been made, be filed with the Treasurer, by the person or persons making or returning the same.

Duties of Treas-  
urer.

VIII. The Treasurer shall, after each Duplicate Entry, Return or Account, shall have been filed with him as aforesaid, enter a particular minute thereof in a Book to be by him kept for that purpose, and shall on every occasion when the said Collector of Impost for *Charlottetown* accounts with him, as by Law directed, produce the said Book and Duplicate Entries, Returns and Accounts, and check and compare the same with the Account rendered by the said Collector, and the Moneys and Securities paid over by him.

Mode of proce-  
dure when duti-  
able Articles  
are shipped or  
transmitted  
from one Port  
to another in  
this Island.

IX. When any Dutiable Articles are transmitted or shipped from one Port of this Island to another, it shall be the duty of the Collector of Impost or his Deputy, or the Controller of Navigation Laws, or other person appointed to collect the Revenue at the Port of Shipment, upon application being made by the Owner or

Shipper, and on Oath by him being made to the following effect, (that is to say):

I, *A. B.*, do swear that the Articles following, (that is to say), [here particularise the Articles to be transmitted or shipped] were imported into this Port within the last Twelve Months, and that the Duties imposed by Law on the same on importation have been paid (or secured) according to Law.

Form of Oath to be made by Owner or Shipper.

So help me GOD.

(and provided such Officer, on search, shall have no reason to doubt the correctness of such Affidavit), to grant a Certificate that the Duties on the Articles so shipped or transmitted, and specified in the said Affidavit, have been paid or secured, as the case may be.

X. Nothing in this Act or the said recited Act of the Twelfth *Victoria*, Chapter Ten, contained, shall entitle any Exporter or Exporters to a Drawback on a less quantity of Wine, Brandy or Gin, than Fifty Gallons, or a less quantity of Rum or other distilled Spirituous Liquors, or of Molasses, than One hundred Gallons, or on a smaller quantity of Tea than Eighty Pounds, of Tobacco, than Three hundred Pounds, of Brown or Muscovado Sugar, than Ten hundred weight, of Coffee or Chocolate or Leather, than One hundred Pounds, nor unless the Invoice Price of Articles shipped at one and the same time, in one and the same Vessel, and owned by one and the same person, shall, in the respective cases following, amount as follows, (that is to say):

Drawbacks, how regulated.

Cordage and Canvass, Twenty Pounds;

Oakum or Tar, each, Ten Pounds;

All other Goods, Wares or Articles not enumerated in this Section, Fifty Pounds; nor unless application be made for the Draw-

No Drawback  
allowed after  
the expiration  
of 12 Months.

Time limited for  
re-shipment.

back to be allowed, and the several proofs requisite for obtaining the same, be made within Twelve Months—to be computed from the time of re-shipment: Provided also, that the time limited for such re-shipment shall be from Sun-rising to Sunsetting.

Lt. Governor,  
&c., to grant  
Licenses to dis-  
til Spirituous  
Liquors.

Duration of,  
and rate pay-  
able for, such  
Licenses.

License Duty,  
how applied.

XI. During the continuance of this Act, it shall be lawful for the Lieutenant Governor or other Administrator of the Government of this Island for the time being, to grant Licenses to distil, extract or manufacture Spirituous Liquors in this Island—which Licenses shall be in force from the date thereof, until the First Day of *May*, One thousand eight hundred and fifty-three, and the rate or price of each of such Licenses shall be Five Pounds—which shall be paid into the Treasury of this Island, for the use of Her Majesty's Government thereof.

Distilling Spi-  
rituous Liquors  
without License,  
unlawful.

Penalty for such  
offence.

Mode of reco-  
very of Penalty.

XII. It shall be unlawful for any person during the continuance of this Act, to distil, extract or manufacture Spirituous Liquors in this Island, without having first obtained such License as aforesaid; and any person or persons who shall so distil, extract or manufacture Spirituous Liquors without having first obtained a License therefor, shall, for each and every offence, forfeit and pay to Her Majesty a Fine not exceeding Fifty Pounds—to be recovered by Bill, Plaint or Information, in Her Majesty's Supreme Court of Judicature of this Island, and paid into the Treasury, for the use of Her Majesty's Government.

Illicit distilla-  
tion, how pre-  
vented.

XIII. For the better detecting persons distilling, extracting or manufacturing Spirituous Liquors without License as aforesaid, and also the better to enable the Officers collecting the Duties imposed by this or any other Act of the

Legislature on such Spirituous Liquors, it shall be lawful for any Collector of Impost, Controller of Navigation Laws, Preventive Officer or other person appointed for collecting or securing the Revenue, and he is hereby authorised, to enter into and upon all Houses or other Buildings and Premises wherein he may have suspicion (and of the sufficiency of which suspicion the Officer shall be the sole Judge), that Spirituous Liquors may have lately been or are being distilled, extracted or manufactured without License, or without the Duties imposed by this or any other Act having been paid or secured therefor; and if on investigation he shall find such to have been or to be the case, he shall, and he is hereby authorised and required, to seize and carry away the same, and to sell the same by Public Auction within Fourteen Days after such Seizure, (unless the owner of the Spirits shall prove to the satisfaction of the Officer making the Seizure that no breach of this or any other Act in force relating to the distilling, extracting or manufacture of Spirituous Liquors, or the Duties payable in respect thereof, has been made); and the Officer making the Seizure shall be entitled to the same proportion of the amount of the Sale, as in the Fourth Section of the Act of the Fourteenth Victoria, Chapter Eight, intituled *An Act for the better prevention of Smuggling*, is awarded to Preventive Officers and Landwaiters making Seizures; and a similar amount to that also pointed out in the said Section of the said last recited Act, shall be paid into the Treasury of this Island, for the use of Her Majesty's Government thereof.

Powers of Collector of Impost, &c.

All Spirituous Liquors manufactured without License, or suspected so to be, may be seized and sold.

Proof of the legality of the manufacture of such Spirits may be adduced by the owner thereof.

Allowance to Officer making the Seizure.

Proportion to be paid into the Treasury, and application thereof.

XIV. If any person shall, by force, violence or otherwise, assault, resist, molest, oppose, hinder or obstruct any Officer or other person

Penalty on persons resisting Officers, &c., in the execution of their duties.

in the execution of his Duties, or any of the powers conferred upon him by the last preceding Section of this Act, he shall forfeit and pay to Her Majesty a Fine not exceeding Fifty Pounds—to be recovered in Her Majesty's Supreme Court of Judicature of this Island, and to be paid into the Treasury, for the use of Her Majesty's Government.

Mode of recovery of Penalty, and application thereof.

Mode of obtaining License to distil Spirituous Liquors.

Amount of License Duty.

Treasurer to publish, quarterly, list of Licenses.

XV. No person shall be allowed to obtain a License to distil Spirituous Liquors until he or she shall have first paid unto the Treasurer of this Island the amount of License Duty, being Five Pounds, as aforesaid, and the Treasurer shall give a Receipt therefor, which the person applying for a License shall produce on making such application; and the Treasurer shall publish a List of the Licenses so granted in the *Royal Gazette*, quarterly.

Officer prosecuted, may plead General Issue.

Action must be brought within Six Months of cause of action.

XVI. If any Action be brought against any Officer or Person for doing or causing to be done any thing in pursuance of the Thirteenth Section of this Act, the Defendant in such Action may plead the General Issue, and give the Special Matter in Evidence; and every such Action must be brought within Six Months after the cause of Action arises.

Jurisdiction of Landwaiters, &c., extended to all parts of this Island.

XVII. All Landwaiters and Preventive Officers, appointed or to be appointed under and by virtue of the Act of the Fourteenth *Victoria*, Chapter Eight, intituled *An Act for the better prevention of Smuggling*, shall have jurisdiction, power and authority, and may exercise the powers by such Act vested in them as such Officers, in all Parts and Ports of this Island, in the same manner and under the same regulations as they may or can use or exercise the same in the Port, Harbour or Place to which

they may have been specially appointed—any thing in the last recited Act to the contrary notwithstanding.

XVIII. The Ninth, Forty-seventh and Forty-eighth Sections of the said recited Act of the Twelfth *Victoria*, Chapter Ten, intituled *An Act for raising a Revenue*, shall be, and the same are hereby respectively repealed.

Repeals certain parts of the Act, 12 Vic., cap. 10.

XIX. This Act shall go into operation on the First day of *May*, One thousand eight hundred and fifty-two, and shall from thence continue and be in force until the Second Day of *May*, One thousand eight hundred and fifty-three.

Continuance of Act.

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## CAP. XXVII.

### An ACT relating to Light and Anchorage Duties.

[April 3, 1852.]

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, as follows:

I. For each and every Vessel registered in this Island, which shall hereafter, on its first voyage, sail from any Port, Place in this Island for any other Port, Place or Country whatsoever, there shall be paid a Light Duty of Six-pence per Ton for each and every Ton which such Vessel shall admeasure, agreeably to its Register—the same to be paid to the Controller of Navigation Laws at the Port or Place from which such Vessel sails, or to such other person or persons as now are or hereafter may be appointed by the Administrator of the Government of this Island for the time being.

Light Duty payable by Vessels sailing from this Island.

Where and to whom payable.



Exempts from further payment until 1st January following.

to receive the same, who shall deliver to the Master a Certificate thereof, agreeably to a Form in the Schedule to this Act annexed, marked (A), which shall exempt the said Vessel from further payment of Light or Anchorage Duty in the same or any other Port in this Island, until the First Day of *January*, next after such payment, but no longer; and such Vessel shall not be cleared at the Custom House without the production of such Certificate; but new Vessels leaving this Island on their first voyage, and intended for Sale, shall only be liable to pay Two-pence per Ton Duty, unless they again return, when they shall immediately become liable to the full Duty as aforesaid.

Duty payable by new Vessels.

Duty payable by Vessels arriving in this Island.

II. All other Vessels coming into any Port or Place in this Island shall pay, on Entry, Six-pence per Ton as aforesaid, to the Controller of Navigation Laws, or other person appointed as herein before mentioned, who shall grant a Certificate thereof, agreeably to the Form in the Schedule to this Act annexed, marked (A), which shall exempt them from further payment of Light or Anchorage Duty in that or any other Port in this Island, until the First Day of *January* next after such payment, but no longer.

Exempts from further payment until 1st January following.

Duty payable by vessels seeking shelter.

III. All Vessels anchoring within any Harbour or Port in this Island, whether for shelter, to take in supplies or otherwise, without the Certificate aforesaid, shall pay Six-pence per Ton to the Harbour Master of the Port or Harbour, who shall grant a Certificate thereof, agreeably to the Form in the Schedule to this Act annexed, marked (A), which shall exempt them from further payment of Anchorage Duty, or Light Duty, in that or any other Port or Harbour in this Island, until the First Day of

Exempts from further payment until 1st of January following.

*January* next, after such Payment, but no longer.

IV. The Person receiving any of the Duties aforesaid, shall, Quarterly, make a Return in Writing of the Amount received by him to the Treasurer of this Island, and shall make and subscribe, at the foot of each Return, an Affidavit of the correctness thereof, in the Form in the Schedule to this Act annexed, marked (B.), set forth, to be sworn before a Justice of the Peace; and he shall also, at the time of making such Return, pay the amount so received by him into the Treasury of this Island, to be applied to the purposes specified in the Act of the Eighth *Victoria*, Chapter Three, intituled *An Act to make new Provisions for the support of Light Houses, Buoys and Beacons*, and to which the Duties imposed by that Act are thereby applied; and such Person shall for his Services be paid Twenty Pounds *per centum* on all Moneys so received and paid over by him as aforesaid, for Anchorage Duties, and Seven and One-half Pounds *per centum* on all Moneys so received and paid over by him as aforesaid, for Light Duties.

Return of Duties to be made Quarterly, duly attested.

To whom paid, and how applied.

Allowances to Collectors of Duties.

V. If the Master of any Vessel liable to any Duties hereunder, shall, on demand, refuse to pay or shall depart without paying the same, he shall forfeit Five Pounds in addition to the Amount of Duties; and the Controller of Navigation Laws, or Person so appointed as aforesaid in the case of Light Duties, or the Harbour Master in the case of Anchorage Duties, is hereby authorised, in his own Name as such Officer, to sue for and recover such Fine and Duty before any One of Her Majesty's Justices of the Peace—which Justice is hereby directed and required, on the Oath being made by any

Master of Vessel departing without paying Duties, subject to a Penalty.

How proceeded against.

such Officer as aforesaid, to cause a Capias to be issued for the recovery of the same, and immediately to proceed and adjudicate on the same; and if the Amount of the Judgment given by such Justice, and the Costs and Expenses, be not at once paid after the giving of such Judgment, then the Defendant shall be imprisoned for the same length of time, in proportion to the Amount of the Judgment, as he would have been under an Execution issuing out of any Court for the Recovery of Small Debts, constituted, or to be constituted, under any Act now or hereafter, for the time being, to be in force, on a Judgment of a similar Amount recovered therein.

Master neglect-  
ing to pay Du-  
ty, Vessel may  
be seized, &c.

VI. If the Master of any Vessel shall not pay any such Duty when duly demanded, the Officer shall, and he is hereby fully authorised to seize such Vessel, or any part of her Materials, and to employ other Persons to assist him in doing the same, and to detain such Vessel or Materials until the Duty due and the Expenses thereon are paid.

Duties and Pe-  
nalties how re-  
covered.

VII. The Remedies for the Recovery of the Duties and Penalties aforesaid, given by the Two last Sections of this Act, may be both pursued, and at the same time, or at different times, or one only may be pursued, or otherwise, as the Officer collecting the same may think fit.

Repeals a por-  
tion of the Act,  
8 V. c. 3, and  
the whole of the  
Act, 11 V. c. 11.

VIII. So much of the Act of the Eighth Year of Her present Majesty's Reign, Chapter Three, intituled *An Act to make new Provisions for the support of Light Houses, Buoys and Beacons*, as relates to and establishes the Rates of Light Duties to be paid on account of Vessels clearing from or entering at any Port or Place in this Island, and also the whole of the Act of

the Eleventh Year of Her present Majesty's Reign, Chapter Eleven, intituled *An Act to explain and amend an Act made and passed in the Eighth Year of the Reign of Her present Majesty, intituled "An Act to make new Provisions for the support of Light Houses, Buoys and Beacons,"* be and the same are hereby respectively repealed.

IX. If any Person shall, by force or violence, assault, resist, molest, oppose, hinder or obstruct any Controller of Navigation Laws, or Harbour Master, or other Person employed as aforesaid, in the exercise of his Office, or any of the Powers by this Act conferred upon him, or any person acting in his aid or assistance, such person shall forfeit and pay a Fine not exceeding Ten Pounds—the same to be sued for and recovered in Her Majesty's Name, before any Two of Her Majesty's Justices of the Peace for the County wherein the Offence was committed; and if not paid on Conviction, the Offender shall be imprisoned for a period not exceeding Six Months.

Persons obstructing Officers, &c., subject to a Penalty.

How proceeded against.

X. This Act shall continue and be in force for the space of Three Years from the passing thereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act.

## Schedules to which this Act refers.

## SCHEDULE (A).

## FORM OF CERTIFICATE OF PAYMENT OF LIGHT OR ANCHORAGE DUTY.

Certificate of  
Payment of Du-  
ty.

I, *A. B.*, Controller of Navigation Laws (*or Harbour Master, or otherwise, as the case may be*), at the Port (*or Harbour, or otherwise, as the case may be*), of do hereby certify, that the sum of (*total amount paid*) hath this day been paid to me as Light Duty (*or Anchorage Duty, as the case may be*), for the Ship or Vessel called the of of the burthen of Tons being Sixpence per Ton for each Ton, which said Ship or Vessel admeasures, according to her Register; and that she is by such payment exempt from further payment for Light or Anchorage, under the Fifteenth *Victoria*, Chapter (*here insert the Number of this Act*), in any Port or Harbour in this Island, until the First day of *January* now next.

Dated the day of A. D., 18  
A. B. [L. S.]

## SCHEDULE (B).

## FORM OF AFFIDAVIT TO BE TAKEN BY PERSON MAKING QUARTERLY RETURN OF LIGHT OR ANCHORAGE DUTIES RECEIVED BY HIM.

Affidavit on  
making Quar-  
terly Return.

I, *A. B.*, Collector of Impost, (*or Harbor Master, or other Officer, as the case may be*), for the Port or Harbor of do hereby make Oath and say, that the above Return contains a true Account of all Moneys received by me on account of Light (*or Anchorage*) Duties, during the period to which such Return relates.

A. B.

Sworn to this  
day of A. D., 18 }  
before me, C. D., }  
Justice of the Peace for }

## CAP. XXVIII.

An ACT to consolidate and amend the Acts now in force regulating the Letting of Stalls in *Charlottetown* Market House, and for other Purposes therein mentioned.

[April 3, 1852.]

**W**HEREAS the Market House in *Charlottetown* has been built at the Public expense, and the Salary of the Clerk thereof, appointed as hereinafter mentioned, is to be paid out of the Public Treasury of this Island, and it is therefore just and expedient that the Stalls in the said Market House should be Let, as heretofore, in order to contribute towards defraying the contingent Expenses thereof:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said Clerk shall number the Stalls in the said Market House, and that the whole of the said Stalls in the said Market House shall, after the passing of this Act, from time to time, as often as shall become necessary by expiration or surrender of the terms heretofore or hereafter to be respectively granted in the said Stalls, be by him set up at Auction, upon first giving at least Fifteen Days' Notice in any Public Newspaper in *Charlottetown*, at the upset price of Four Pounds *per annum* for each and every of the said Stalls, and thereupon Let to the highest Bidder above the said upset price, for any term of not less than Six Months nor more than Two Years, at the option of the Bidder; no Person or Persons to rent more than Two of the said Stalls at one and the same time.

Clerk of Market to number the Stalls therein, and set the same up at Auction, as often as may be necessary, &c.

Upset price of such Stalls.

No person to rent more than two of the said Stalls.

Rent of Stalls to be reserved, payable quarterly.

II. The Rent to be reserved in all Lettings of the said Stalls shall be payable Quarterly, on the several Quarter Days to be named by the said Market Clerk, and for the accommodation of such Persons as may not require to rent a Stall, the said Market Clerk shall cause Meat Hooks to be driven and kept in the outer Walls of the said Market House.

Stalls not let or occupied as aforesaid, may be let by the day.

III. Any number of the said Stalls which shall not be Let or Occupied under the Provisions aforesaid, shall be Let by the day to any Non-resident of *Charlottetown*, and to Residents, if no application by a Non-resident be made before Ten of the Clock in the morning on any Market Day, at and after the rate of One Shilling for each and every Market Day—to be paid to the said Market Clerk prior to the said Stall or Stalls being used; and the preference, when two applications for the same Stall shall be made, shall be given to the first Non-resident Applicant on such Market Day.

No sub-letting of Stalls to be permitted, on pain of forfeiture; but not to prevent several parties taking a Stall together.

IV. No Sub-letting of the Stalls shall be permitted under any pretence whatsoever, on pain of the Forfeiture of the Use and Benefit of the Stall by the Party who shall Sub-let the same, as well as by the Party to whom the same shall be Sub-let: Provided always, that nothing herein contained shall prevent several Parties from taking a Stall together, as the Clerk shall see necessary.

Days, &c., on which Market House is to be kept open.

V. On *Wednesday* and *Saturday* in every Week throughout the Year, the said Market House shall be kept open from the hour of Ten o'clock in the Forenoon until Sun-set in the Afternoon in each day—any Law or Custom heretofore to the contrary notwithstanding.

VI. The said Clerk of the Market, should it become necessary, may Sue for and Recover, in his own Name, the Rent of any Stall or Stalls before any Court of Commissioners for the Recovery of Small Debts, and in like manner as Small Debts now are, or, for the time being, may hereafter be recoverable.

Rent of Stalls,  
how recovered.

VII. The Moneys arising from the Rent of such Stall or Stalls as aforesaid, shall be paid into the Treasury of this Island, to and for the use of Her Majesty's Government.

Appropriation  
of such Rent.

VIII. It shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government, by and with the Advice and Consent of Her Majesty's Council, from and after the passing of this Act, to appoint and nominate a fit and proper Person to be Clerk of *Charlottetown* Market House aforesaid; and from time to time, in case of the Death, Absence, Resignation, Dismissal, or any other removal of the said Clerk, to appoint another, duly qualified as aforesaid, in the place of such Clerk so removed by Death or otherwise.

Clerk of the  
Market, how  
appointed.

IX. No Fresh Meat shall be exposed for Sale on any of the Tables, or in any way suspended from the Posts on the inner side of the Tables, within the said Market, whether the Stalls immediately opposite such Tables shall be Let as aforesaid or not, on pain of the said Meat being forfeited on view of the fact; and after the Owner or Owners shall refuse or neglect to remove the same, on request made by the said Market Clerk, who is hereby empowered and directed, immediately to Sell, or cause to be Sold, at the best Price that can be gotten for the same, all Fresh Meat so found exposed for Sale, contrary to this enactment, and pay the

No Fresh Meat  
to be exposed  
for sale on any  
of the Tables,  
or in any way  
suspended from  
the Posts on the  
inner side  
thereof.



Proceeds into the Treasury, to and for the use of Her Majesty's Government.

Prohibits Persons from occupying Stalls, unless they have complied with the provisions of this Act, under a penalty of 20s.

X. The Clerk of the Market shall prohibit any Person or Persons from occupying any Stall or Stalls, unless he, she, or they shall have complied with the Provisions of this Act; and if any Person or Persons shall forcibly occupy any Stall or any part of the Table or Tables therein, without permission of the Clerk of the Market, and shall not, on being required so to do, immediately remove therefrom, he, she or they shall be liable to a Fine of not more than Twenty Shillings, with Costs, to be recovered in the manner hereinafter directed in the next following Clause.

Powers of Market Clerk.

XI. And whereas access to the said Market House is at times greatly impeded by the number of Horses, Cattle, Carts, Sledges, and Animals and Vehicles, which are irregularly placed immediately near the same: Be it therefore enacted, That the Clerk of the said Market for the time being shall have power to remove, and he is hereby required to remove, or cause to be removed, all Horses, Cattle, Carts, Sledges, and all Animals, Vehicles, and any Implement, Machine, Article or Material, which may appear in any way to impede the free Ingress and Egress to and from the said Market House; and the Owner or Owners thereof, in every case wherein he or they shall refuse or neglect to remove the same, after order for that purpose being first to him or them made known by the said Market Clerk, shall forfeit and pay, for each and every Offence, any Sum not exceeding Twenty Shillings—the same to be recovered, with Costs, on the Oath of the said Market Clerk, or other credible Witness, before any Magistrate or Commissioner of Small Debts,

Penalty for refusing to obey orders of Market Clerk.

in like manner as Small Debts are now, or hereafter, for the time being, may be recoverable, to and for the use of Her Majesty's Government.

Mode of recovery and appropriation of Penalty.

XII. Should any Meat be exposed for Sale that may have been Blown, commonly called "Blown Meat," the same, on view of the fact, shall become forfeited, and shall be Sold forthwith by the Market Clerk, and the Proceeds paid into the Treasury, to and for the use of Her Majesty's Government; and further, should any diseased, unwholesome or unsound Meat be exposed for Sale, the Market Clerk shall forthwith destroy, or cause to be destroyed, all such Meat.

"Blown Meat" to be forfeited, &c.

Diseased Meat to be destroyed.

XIII. The said Market Clerk shall have power, and he is hereby required and enjoined, to seize and destroy all Spirituous Liquors which, on a Market Day, shall be Sold by Retail, or offered or exposed for Sale by Retail within the said Market House, or within the exterior Limits thereof, or which shall be brought into the said Market House, or placed upon the Public Square or Street, within view of the said Market House, for the purpose of being Sold by Retail, contrary to the Laws regulating the Retail of such Liquors; and for every case of neglect of Duty in this respect, the said Market Clerk shall be subject to a Fine of Five Pounds—to be recovered as Small Debts are now or hereafter for the time being may be recoverable, with Costs of Suit, on the Oath of any credible Person who, in the Name of the Queen, shall Sue for the same; and which Fine shall be paid into the Treasury of this Island, to and for the use of Her Majesty's Government.

Empowers Market Clerk to seize & destroy all Spirituous Liquors offered or exposed for Sale, in or near Market House.

Penalty on Market Clerk for neglect of duty herein.

Mode of recovery and application of Penalty.

XIV. The said Market Clerk shall make a Return to the Administrator of the Government,

Market Clerk to make a Return

on Oath, Quarterly.

for the time being, in Council, Quarterly, on Oath, of all Moneys received under and by virtue of this Act.

Continuance of Act.

XV. This Act shall continue and be in force for the space of Seven Years from the passing thereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

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## CAP. XXIX.

An ACT to alter and amend an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act to alter and amend the Act for the Establishment of an Academy in Charlottetown.*

[April 3, 1852.]

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, as follows :

Fees to be taken at Central Academy, how established.

I. The Fees of Tuition to be taken at the Central Academy for the several Branches of Education taught there, shall be fixed and established at such Rates as the Trustees of the said Academy shall hereafter, during the continuance of this Act, from time to time, deem just and reasonable.

1s. 3d. in each Term to be paid by Pupils towards necessary Repairs of Academy.

II. The Trustees of the said Academy shall, and they are hereby authorised and required, in addition to any Fees of Tuition to be fixed by them as aforesaid, to demand and take from each Pupil attending at such Academy the Sum of One Shilling and Three-pence in each Term or Half-year, and so in proportion for a longer

or shorter period ; and to retain and apply the amount received under this Clause towards the necessary repairs of the said Academy.

III. The Tenth Section of the Act of the Sixth Year of the Reign of Her present Majesty, intituled *An Act to alter and amend the Act for the establishment of an Academy in Charlottetown*, shall be and the same is hereby suspended during the continuance of this Act.

Suspends 10th  
Section of the  
Act, 6 Vic., c.  
21.

IV. This Act shall continue and be in force for the space of Five Years from the passing thereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of  
Act.

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## CAP. XXX.

An ACT relating to the Weighing of Coal, Culm and Coke in *Charlottetown*.

[April 3, 1852.]

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, as follows:

I. So much of the Act of the Eleventh Year of Her present Majesty's Reign, Chapter Sixteen, intituled *An Act to consolidate and amend the Laws now in force authorising the appointment of Coal Meters, and to repeal a certain Act therein mentioned*, as relates to *Charlottetown*, and regulates the mode of measuring Coal therein, shall be and the same is hereby repealed.

Repeals certain  
portions of the  
Act, 11 Vic.,  
cap. 16.

II. From and after the time when this Act shall go into operation, all Coal, Culm and Coke, which shall be sold from or out of any

Coal, &c., to be  
sold by weight.

Ship or Vessel, Lighter, Barge or other Craft, in the Port of *Charlottetown*, or from any Wharf, Warehouse, Yard or other Place within the Town of *Charlottetown*, shall be sold by Weight, and not by Measure.

Coal Meters to be appointed annually.

III. It shall and may be lawful for the Administrator of the Government for the time being, by and with the advice of Her Majesty's Council, from time to time, as occasion may require, or he may see fit, to appoint or license one or more fit and proper person or persons, residing in *Charlottetown*, who shall apply for the same, to be Coal Meters for the period of One Year from the date of each appointment, whose duty it shall be to weigh all such Coal, Culm and Coke, imported into the Port of *Charlottetown*, as shall be required of them: And in case any person who shall have accepted such Office shall refuse or wilfully neglect to perform any of the duties pertaining to his Office or Appointment, without just cause, each and every person so offending shall forfeit and pay, for every such offence, a sum not exceeding Five Pounds.

Their duty.

Penalty for neglect of duty.

Coal Meters to be sworn.

IV. Every person who shall be appointed Coal Meter under and by virtue of this Act shall, before he be permitted to act under the Provisions of this Act, be sworn, in the Form prescribed in the Schedule to this Act annexed, marked (A), to the faithful discharge of the duties enjoined on him by this Act, before any Justice of the Peace for Queen's County; and any such Person who shall neglect or refuse to be so sworn, or shall act as Coal Meter without being so sworn, shall forfeit and pay, for every such offence, the sum of Five Pounds.

Form of Oath.

Penalty for refusing to be sworn, &c.

V. It shall be lawful for the Lieutenant Governor, with the advice and consent of Her Majesty's Council, from time to time, to remove or displace any Coal Meter for any fraud or neglect of duty, and to appoint another Coal Meter in the place of such removed or displaced Coal Meter.

Coal Meters  
may be displaced,  
&c.

VI. Each and every Justice of the Peace, before whom any Coal Meter shall be sworn, as directed by this Act, shall, within Ten Days after administering such Oath, transmit the record of such Oath (signed by such Coal Meter and attested by the said Justice, in the Form prescribed by this Act), to the Clerk of Her Majesty's Council of this Island, who shall file the same in his Office.

Duty of Justice  
of Peace before  
whom Coal Me-  
ter shall be  
sworn.

VII. No Coal Meter shall act as Agent or Broker for any person or persons in the sale or disposal of Coal, nor shall any such Coal Meter, directly or indirectly, be engaged, employed or interested in the sale or disposal of Coal, Culm or Coke, either on his own behalf, or on the behalf of others: And every Coal Meter who, contrary to the Provisions of this Act, shall act as Broker or Agent on behalf of any person or persons, for the sale or disposal of Coal, Culm or Coke, or be engaged, employed or interested in the sale of Coal, Culm or Coke, in any manner whatsoever, otherwise than by this Act required, shall, for every offence, forfeit the sum of Five Pounds.

Prohibits Coal  
Meter from act-  
ing as Broker,  
&c., under a  
Penalty of £5.

VIII. It shall be lawful for the Lieutenant Governor, by and with the advice and consent of Her Majesty's Council, after this Act shall go into operation, to cause one proper Machine, Scales and Weights, for weighing Coal, to be erected and kept at some convenient place, on

One Weighing  
Machine, &c.,  
to be erected  
near Public  
Wharfs.

or near to the Public Wharfs in *Charlottetown*, and to place the same under the charge of a Coal Meter, appointed as aforesaid, whose duty it shall be to see that the same is kept in proper order and safety, and to weigh and measure all Coal, Culm and Coke, which shall be offered to be weighed at such Machine, Scales and Weights, and to perform the other duties required of him by this Act, as such Coal Meter.

Expense of erecting Machine, &c., how defrayed.

IX. The Lieutenant Governor, by and with the advice and consent aforesaid, is hereby authorised, after this Act shall go into operation, to draw Warrants on the Treasurer of this Island, from time to time, for such sums as may be required for erecting and keeping in repair the said Machine, Scales and Weights, for weighing Coal, Culm and Coke.

Duty of Seller of Coal, &c.

X. With any quantity of Coal, Culm or Coke, which shall be delivered from any Ship or Vessel, Lighter, Barge or other Craft, in the Port of *Charlottetown*, or from any Wharf, Warehouse, Yard or other Place, within the Town of *Charlottetown*, the Seller or Sellers thereof shall deliver, or cause to be delivered, to the Purchaser or Purchasers thereof, or to his, her or their Agent or Agents, or Servant or Servants, on the delivery of the same, a Paper or Ticket, containing the name of the Seller and Buyer, and of the Truckman or other person in whose charge the same may be delivered, together with the weight of Coal contained in each Cart, Truck, Wagon or other Carriage, or Lighter, Barge or Craft, in which the same shall be delivered as aforesaid; and in case any such Seller or Sellers do not deliver, or cause to be delivered, such Ticket as aforesaid to the Purchaser or Purchasers of such Coal, Culm or Coke, or to his, her or their Servant or Ser-

Penalty on seller for neglect.

vants, before any part of such Coal, Culm or Coke is unloaded, every such Seller shall, for every such offence, forfeit and pay any sum not exceeding Twenty Shillings: And in case the Truckman, Drivers of, or other person attending any such Cart, Wagon or other Carriage, or the person having the charge of the Lighter, Barge or Craft, laden with any such Coal, Culm or Coke, to whom any such Ticket shall have been given by or by orders of the Seller, in order to be delivered to the Purchaser, shall (having so first received the same from the Seller, or any person by the direction of the Seller), refuse or neglect to deliver such Ticket to the Purchaser or Purchasers of such Coal, Culm or Coke, or to his, her or their Servant or Servants, before any part of such Coal, Culm or Coke shall be unloaded, such Truckman, Driver or other person so offending, shall, for every such offence, forfeit and pay any sum not exceeding Five Pounds.

Penalty on  
Truckman for  
neglecting to  
deliver ticket,  
&c.

XI. If, in any case, when Coal, Culm or Coke, shall be delivered to the Purchaser or Purchasers thereof from any Vessel, Lighter, Barge or other Craft, in the Port of *Charlottetown*, or from any Wharf, Warehouse, Yard or other Place within the Town of *Charlottetown*, a less quantity shall be delivered than shall be expressed in the Ticket, to be delivered therewith, as aforesaid, the Seller or Sellers shall, for every such offence, forfeit any sum not less than Ten Shillings, and not exceeding Five Pounds.

Delivery of less  
quantity than is  
expressed in  
Ticket, how  
punished.

XII. Each person, before he be eligible to be appointed Coal Meter, as aforesaid, except the Coal Meter in whose charge the Government Scales and Weights or Machine may be placed, as in the Eighth Section of this Act mentioned, must be the Owner, or be provided

Coal Meters  
(with one ex-  
ception), to  
provide Ma-  
chines, Scales,  
&c.



Duties of Coal  
Meters.

with one or more proper Machines, Scales and Weights, for weighing Coal, and the same must be kept on or near to the Public Wharfs in *Charlottetown*, or some convenient place in the said Town; and it shall be the duty of each Coal Meter, during the period of his appointment, after having accepted the same, at all times to keep the said Scales, Weights and Machine, in proper order, and to weigh all Coal, Culm or Coke, which shall from time to time be offered to be weighed thereon, and to perform all the other duties required of him by this Act as such Coal Meter.

Fee for weigh-  
ing Coal, &c.

XIII. Every Coal Meter appointed as aforesaid, and who shall have complied with the Provisions of this Act, and who shall be the Owner of any such Machine, Scales or Weights, for weighing Coal, Culm or Coke, shall demand and receive for his own use the sum of Five-pence for every Ton of Coal, Culm or Coke, by him weighed thereon, and so in proportion for any lesser quantity, which shall be paid by the Seller or Vender of the Coal, Culm or Coke.

By whom paid.

Fee to be taken  
by Government  
Coal Meter.

XVI. The Coal Meter placed in charge of the Government Scales and Weights or Machine, for weighing Coal, Culm or Coke as aforesaid, shall demand and receive the sum of Five-pence for every Ton of Coal by him weighed thereon, and so in proportion for any lesser quantity, which shall be paid by the Seller or Vender of the Coal, Culm or Coke; and one-half of such sum shall be retained by the Coal Meter as a remuneration for his trouble, and the other half shall be paid by him weekly into the Treasury of this Island, for the use of Her Majesty's Government.

One-half to be  
retained by  
him, and the  
remainder paid  
into the Treas-  
ury.

XV. If any person liable to pay any sum for weighing Coal, Culm or Coke hereunder, shall, on demand, refuse or neglect to pay the same, he shall forfeit the sum of Ten Shillings, in addition to the amount due from him for weighing Coal, Culm or Coke; and the Coal Meter applying for the same is hereby authorised, in his own name, as such Coal Meter, to sue for and recover such Fine and amount or sum due before any one of Her Majesty's Justices of the Peace—which Justice is hereby directed and required, on the Oath being made by any such Coal Meter as aforesaid, to cause a Capias to be issued for the recovery of the same, and immediately to proceed and adjudicate thereon; and the amount of Judgment may be levied by Warrant of Distress and sale of the Goods and Chattels, or the Boat's Apparel, or Material of the Ship or Vessel of the Defendant, as the case may be, rendering the overplus, if any, after deducting the Costs and Charges of the Prosecution and Sale, to the Defendant.

Penalty for refusal to pay Fee for weighing Coal, &c.

Mode of recovery of said Fee and Penalty.

XVI. If the Master or Owner of a Vessel be the Seller or Vender, and shall not pay such sum or amount, when duly demanded, the Coal Meter shall, and he is hereby fully authorised to seize such Vessel, and to employ other persons to assist him in doing so, and to detain such Vessel until the Duty due and the Penalty of Ten Shillings be paid.

Vessel of vender may be seized and detained.

XVII. Every such Machine, Scales and Weights for weighing Coal, Culm or Coke, before the same shall be used for that purpose, under this Act, and annually thereafter, whilst the same continues to be so used, shall be duly inspected and assayed by the Assayer of Weights and Measures in *Charlottetown*, and a Certificate in Writing granted of the correct-

Machines, &c., to be inspected at stated periods.

ness of the same—which Certificate shall be kept by the Coal Meter owning or having charge of the Machine, Scales and Weights; and he shall be bound, on all occasions, while employed in the duties of his said Office, to produce and show the said Certificate to any person requiring the same; and if he neglect or refuse so to do, he shall, for each offence, forfeit and pay the sum of Five Pounds.

**Ld. Governor  
may make rules  
for the manage-  
ment of Weigh-  
ing Machines,  
&c.**

**XVIII.** It shall be lawful for the Lieutenant Governor, from time to time, by and with the advice and consent aforesaid, to make such Rules and Regulations respecting the Management of the said Machines, Scales and Weights, for weighing Coal, Culm and Coke, in addition to the Rules and Regulations made by this Act, as may be found requisite.

**Justice's Fees.**

**XIX.** The Fees to which any Justice of the Peace shall be entitled, under this Act, shall be as follows (that is to say):

For every Oath administered to a Coal Meter, One Shilling.

For transmitting the same to the Clerk of the Council, One Shilling, and no other or greater Fees whatsoever.

**Fees of Assayer  
of Weights and  
Measures.**

**XX.** The Fees to which the Assayer of Weights and Measures shall be entitled, under this Act, shall be the sum of Three Shillings and Six-pence for every Inspection and Assay of any such Machine, Scales or Weights, for weighing Coal, Culm or Coke, and the further sum of One Shilling and Six-pence for every Certificate of the correctness thereof granted—said Fees to be recoverable as a Debt personally due to the said Assayer of Weights and Measures.

XXI. All Fines, Penalties and Forfeitures imposed by this Act (unless where otherwise provided for), shall be recovered with Costs, if not exceeding Ten Pounds, exclusive of Costs, before two or more Justices of the Peace, or a Court of Commissioners for the Recovery of Small Debts, in like manner, in all respects, as Small Debts may, for the time being, be recoverable; and each and every of such Fines, Penalties and Forfeitures, as shall exceed Ten Pounds, exclusive of Costs, the same shall be sued for and recovered, with Costs, by due course of Law, in Her Majesty's Supreme Court of Judicature of this Island; and in every case all such Fines, Penalties and Forfeitures, as aforesaid, shall be recovered by the person suing for the same.

Fines and Penalties, how recovered.

XXII. If any Suit or Action be brought against any person or persons, for any Penalty by this Act imposed, such Suit or Action shall be commenced within Six Calendar Months next after the offence shall have been committed, and not afterwards.

Suits to be commenced within six months.

XXIII. One-half part of all such Fines, Penalties and Forfeitures, as shall be incurred by any breach of this Act, shall be paid to such person as shall sue or prosecute for the same, and the remainder of such Fines, Penalties and Forfeitures, shall be paid into the Treasury of this Island, to and for the use of Her Majesty's Government.

Fines, &c., how disposed of.

XXIV. This Act shall continue and be in force for the space of Three Years from the passing thereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act.

Act when to go  
into operation.

XXV. This Act shall not go into operation until His Excellency the Lieutenant Governor of this Island shall, by Proclamation, duly published in the *Royal Gazette*, Newspaper, declare the same to be in operation.

### Schedule (A.) to which this Act refers.

#### FORM OF COAL METER'S OATH.

Coal Meter's  
Oath.

I, A. B., do swear that I will faithfully, and without fear or partiality, execute and perform the Duties of Coal Meter, for the Harbour or Port of Charlottetown, in pursuance of and according to the manner required and prescribed by the Act of the General Assembly of this Island, in such case made and provided, and according to the best of my skill and ability.

So help me GOD.

A. B.

Sworn before me, at }  
                          this  
day of           18 }

## CAP. XXXI.

### An ACT to regulate the Publishing of Notices and Advertisements relating to the Public Service.

[April 8, 1852.]

WHEREAS by some of the Acts of the General Assembly of this Island, now in force, it is required that Notices or Advertisements of Proceedings thereunder, connected with the Public Service, shall be inserted or published in the Public Newspapers of the Colony, or in more than one of the Island Newspapers, without defining in how many Newspapers the said Notices or Advertisements shall be inserted, whereby it might be held necessary to insert and publish the same in every Newspaper published in the Colony, and it is deemed an unnecessary expenditure of the Public Money that

such Publications, or any other Notices or Advertisements relating in any manner to the Public Service of the Island, should be made or inserted in more than one such Newspaper: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act all Notices and Advertisements of every description, in any manner relating to the Public Service of this Colony, whether directed to be made under or by virtue of any Act or Acts of the General Assembly of this Island, or otherwise, shall be inserted or published as often as may be requisite, or for the requisite length of time, in each case, in the *Royal Gazette*, Newspaper, only, or such other Newspaper as may, for the time being, be published by the Queen's Printer thereof; and all such Advertisements and Notices, to be published as herein before described, shall have the same force and effect, to all intents and purposes, as if they had been published in all the Public Newspapers of the Colony, or in more than One of the Island Newspapers, where the same may be required to be done under or by virtue of any Act or Acts of the General Assembly of this Island heretofore made—any thing in such Acts contained to the contrary notwithstanding.

Notices and Advertisements, relating to the Public Service, to be published in the *Royal Gazette* only, or in such other Newspaper as may be published by the Queen's Printer.

Advertisements and Notices, so published, to have the same force and effect as if published in all the Newspapers of the Colony.

II. And be it enacted, That this Act shall continue and be in force for and during the space of Five Years from the passing thereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act.

## CAP. XXXII.

An ACT to facilitate the Proving of  
Wills and Testamentary Dispositions  
within this Island.

[April 3, 1852.]

Execution of  
Wills, &c., how  
proved.

3 W. 4, c. 10.

Oath to be ad-  
ministered to  
Witness.Not to interfere  
with the autho-  
rity of the

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, That the Execution of all Wills or Testamentary Dispositions made, or hereafter to be made, within this Island, shall and may henceforth be proved for the purpose of Registry in the Court of the Surrogate or Judge of Probate for the said Island, for the time being, and for granting Letters Testamentary thereon, before any Commissioner now appointed, or hereafter to be appointed, in the said Island, for taking Affidavits in Her Majesty's Supreme Court of Judicature for this Island, or for taking Proof and Acknowledgment of the Execution of Deeds under the Statute of the Third *William* Fourth, Chapter Tenth, on the Oath of any Subscribing Witness to any such Will or Testamentary Disposition; and each and every of the said Commissioners are hereby empowered and authorised to administer such Oath to any such Witness, in the form set forth in the Affidavit in the Schedule to this Act annexed—which Affidavit shall be subscribed by the Party making the same in the presence of the Commissioner who shall administer the Oath, and who also shall subscribe the Jurat of the said Affidavit; and every such Affidavit may either be written upon the original Will or Testamentary Disposition, or upon a separate Paper, and annexed to the said original Will or Testamentary Disposition by the Commissioner taking the same: Provided always, that nothing herein contained shall extend or be construed to extend to interfere with the Power

and Authority of the Surrogate or Judge of the said Court of Probate, for the time being, to receive and take Proof of the Execution of any such Will or Testamentary Disposition, for Registry and for Probate, as heretofore done in accordance with the Practice of the said Court of Probate, if the Parties interested shall appear before him and require him to receive and take the same: And provided also, that nothing herein contained shall extend, or be construed to extend, to limit the Right of any Person interested in any such Will or Testamentary Disposition to enter a Caveat in the said Court of Probate against the same, and to require that any such Will or Testamentary Disposition shall be solemnly proved, according to the practice of the said Court of Probate.

Judge of Probate, if parties appear before him.

Persons interested may enter a Caveat in Court of Probate against Will, &c.

II. If any Person shall forswear himself or herself, before any such Commissioner as aforesaid, and shall be duly convicted thereof, such Person shall be liable to and shall suffer the Pains and Penalties imposed, or to be imposed by Law, in this Island, on Persons guilty of wilful and corrupt Perjury.

Person forswearing himself before Commissioner, how punished.

III. Any Commissioner taking any Affidavit as aforesaid, under or by virtue of this Act, shall be entitled to receive and take therefor the Fee of Three Shillings and Sixpence Currency, and no more.

Commissioner's Fee.

### Schedule to which this Act refers.

#### FORM OF AFFIDAVIT TO BE MADE BEFORE COMMISSIONER UNDER THE FOREGOING ACT.

The within Will (or "annexed Will," as the case may be) of A. B., being presented for Probate, C. D., one of the Subscribing Witnesses, (or "the Subscribing Witness," as the case may be) thereto, made Oath that he (or "she") was present and did see the said Testator (or "Testatrix," as the case may

Affidavit to be made before Commissioner.



*be*), sign, seal and deliver the same (or "sign and deliver the same," *as the case may be*), and also heard him (or "her," *as the case may be*), publish and declare the same as and for his (or "her") last Will and Testament, and that when he (or "she") so did, he (or "she") was of sound disposing mind and memory, according to this Deponent's best discerning, and that he (or "she," *as the case may be*), set and subscribed his (or "her") Name as a Witness thereto, in the said Testator's (or "Testatrix's") presence, and that E. F. ("and all other Witnesses," *if more there be to the Will*), set his ("her" or "their," *as the case may be*), name (or "names") as a Witness (or "as Witnesses," *as the case may be*), thereto at the same time.

(Signed) A. B.  
 Sworn at in County, }  
           this day of 185 }  
           (Signed) G. H.  
 Commissioner for taking Affidavits for said }  
                                 County in the Supreme Court. }

## CAP. XXXIII.

An ACT authorising the Harbour and Ballast Masters of the various Harbours and Rivers in this Island to Superintend the laying down, erection and maintenance of the Buoys and Beacons therein.

[April 3, 1852.]

**B**E it enacted, by the Lieutenant Governor, Council, and Assembly, as follows :

Harbour and  
Ballast Mas-  
ters' Duty.

I. After the passing hereof, in all Harbours and Rivers in this Island whereunto a Harbour and Ballast Master may have been or shall be appointed, it shall be the duty of such Harbour and Ballast Master to superintend the laying down of Buoys and erection of Beacons therein, and to attend to the proper maintenance and keeping of the same ; and the application of all

Moneys granted for any of the purposes aforesaid, shall be entrusted to the said Harbour or Ballast Master.

II. It shall also be the duty of such Harbour or Ballast Master, whenever any of the Buoys or Beacons in their respective Harbours or Rivers shall need Repair, Renewal or Removal, to notify the same to the Lieutenant Governor in Council, and at the same time to specify the probable amount which will be required to make such Repair, Renewal or Removal.

Further duty of Harbour or Ballast Master.

III. When any Money is placed in the hands of any of the said Harbour or Ballast Masters, to be laid out in erecting, laying down or maintaining any Buoys or Beacons, he shall let the doing thereof by Public Auction to the lowest Bidder, giving at least Ten Days' previous notice thereof, by Posting the same in Three or more conspicuous Places near to the Harbour.

Moneys in Harbour or Ballast Masters' hands, how applied.

IV. Every such Ballast or Harbour Master, duly performing his Duties as herein set forth, shall be entitled to receive from the Treasury of this Island, as a remuneration for his trouble, the Sum of Five Pounds *per centum* on all Moneys expended by him in laying down, erecting or maintaining such Buoys and Beacons.

Remuneration to Harbour or Ballast Master for his services.

V. This Act shall continue and be in force for the space of Three Years from the passing thereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act.

## CAP. XXXIV.

An ACT relating to the *Charlottetown* Ferry, and the Wharfs connected therewith.

[April 3, 1852.]

11 V., c. 13.

WHEREAS the Contract for the Lease of the Ferry over the *Hillsborough*, opposite *Charlottetown*, commonly called the *Charlottetown Ferry*, to *Thomas Boggs Tremain*, of said Town, Merchant, entered into under the Provisions of the Act of the Eleventh Year of the Reign of Her present Majesty, Chapter Thirteen, intituled *An Act relating to Charlottetown Ferry*, has been annulled; and by Advertisement, dated the Sixteenth day of *February*, One thousand eight hundred and fifty-two, inserted in the *Royal Gazette*, Newspaper, of this Island, Tenders have been called for at the Secretary's Office for placing a Teamboat, of not less than Four-horse power, together with Row and Sailboats, on *Charlottetown Ferry*, for a Term of Five Years, and in manner therein set forth, and such Tenders have been received: And whereas doubts have arisen as to the construction of the said recited Act, and the extent of the Power of the Lieutenant Governor of this Island under the same, in granting a Lease of the said Ferry, and it is desirable that the same should be removed, so as to provide at once for the accommodation of the Public: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows:

Lieut. Governor may Let the exclusive Right to the Hillsboro' Ferry, for Five Years, to Persons tendering

I. It shall be lawful for the Lieutenant Governor, by and with the advice and consent of Her Majesty's Council, to Let and Grant for any space not exceeding Five Years, the exclusive Right to the said *Hillsborough Ferry*,

opposite *Charlottetown*, and the Premises connected therewith, to the person or persons who may have tendered the lowest Terms therefor, in accordance with the said Advertisement calling for Tenders as aforesaid; and provided, that such person or persons shall become bound, with two responsible Sureties, to be approved of by the said Lieutenant Governor in Council, to convey Passengers, Cattle and Luggage, across the said Ferry, by means of a good and sufficient Teamboat, to be propelled by not less than Four able Horses, and which shall be not less than Fifty Feet in length, besides providing a sufficient number of good and sufficient Keel or Flat-bottomed Boats, for the conveyance of Passengers, Cattle and Luggage, across the said Ferry, and also in accordance with the Provisions of this Act, hereinafter contained, relating to the same.

the lowest  
Terms therefor.

Lessee of such  
Ferry to give  
Bond.

Conditions of  
such Bond.

II. From and after the passing of this Act, it shall be lawful for the Lieutenant Governor, by and with the advice aforesaid, from time to time, when occasion may require, to let and grant for any space of time, not exceeding Twenty Years, from the date of the Lease, the exclusive right to the said Ferry and the Premises connected therewith, to any person or persons who shall become bound as aforesaid, with two responsible Sureties, to be approved of by the said Lieutenant Governor in Council, to convey Passengers, Cattle and Luggage, across the said Ferry, by means of a good and sufficient Steamboat, of not less than Twelve-horse power, besides providing a sufficient number of Boats, as in the last Clause mentioned; or if the services of a Steamboat cannot be procured, or the Lieutenant Governor in Council shall think fit to employ a Teamboat instead thereof, then the Lieutenant Governor,

Lieut. Governor  
may let the ex-  
clusive Right to  
the said Ferry  
for Twenty  
Years, for the  
purpose of es-  
tablishing a  
Steamboat  
thereon.

Occupant of  
Ferry to give  
Bond.

Conditions of  
such Bond.

In case a steam-  
boat cannot be  
procured, Ferry  
may be let for  
Five Years to

person who may  
place a Team-  
boat thereon.

with the advice and consent aforesaid, may let and grant, for any space of time not exceeding Five Years from the date of the Lease, the exclusive right to the said Ferry and Premises aforesaid to any person who shall tender the lowest Terms for the same, and become bound, as in the last Clause mentioned, to convey Passengers, Cattle and Luggage, across the said Ferry, by means of a good and sufficient Teamboat, of the same description as in the last Clause mentioned, besides providing a sufficient number of good and sufficient Keel or Flat-bottomed Boats for the conveyance of Passengers, Cattle and Luggage, across the said Ferry, and in both cases in accordance with the Provisions of this Act, hereinafter contained, relating to the said Ferry.

Rules and Re-  
gulations for  
the government  
of the said Fer-  
ry to be fixed by  
Lt. Governor.

Provisions of 3  
W. 4, c. 8, bind-  
ing on Lessee of  
said Ferry.

III. The person whose Tender may have been or shall hereafter be accepted in any of the cases aforesaid, shall be subject to such rules and regulations as shall be fixed and determined by the Lieutenant Governor in Council respecting the same, previous to the execution of the Lease, License or Contract; and the Act of the Third *William the Fourth*, Chapter Eight, intituled *An Act to repeal two certain Acts therein mentioned, for Licensing and Regulating Ferries, and to make other Provisions in lieu thereof*, shall be binding on the *Charlottetown* Ferryman or Lessee of said Ferry, licensed under this Act, who, as well as his Servant or Servants, and all persons acting under him in the management of the said Ferry, shall be subject to all Fines, Forfeitures and Penalties therein mentioned.

Steamboat, how  
employed.

IV. Where a Steamboat is employed, the same shall cross the Ferry once every half-hour between Sunrise and Sunset during the time

that the Navigation shall remain open in each and every year, excepting such time as she may require to run to *Canso Point*, which she shall do, once in the morning, and once in the evening, on each day; and one of such Keel or Flat-bottomed Boats shall run in lieu of such Steamboat whilst she shall be employed in making such Trips to *Canso Point*.

Keel or Flat-bottomed Boats to run in lieu of such Steamboat at certain times.

V. When a Teamboat is employed, she shall in like manner cross the Ferry once in every half-hour between Sunrise and Sunset while the Navigation is open, but shall not be called upon to run to *Canso Point*, unless the same be required by the terms of the Lease of the said Ferry.

Teamboat, how employed.

VI. The Lieutenant Governor, with the advice and consent aforesaid, if he shall find it to be fitting or necessary at the time of letting the said Ferry, may alter or vary the times at which the Ferryboats may run, from those pointed out in the two last Sections of this Act, and may also make any other and such Stipulations and Regulations respecting the management of the same as he may think desirable.

Lieut. Governor may alter times of running of Ferryboats, &c.

VII. No Lease of the said Ferry shall be given, or Tender therefor accepted, wherein the Rates of Ferriage proposed shall be higher than those which are hereinafter specified, (that is to say):

No Lease of Ferry to be given, if proposed Rates of Ferriage be higher than those herein specified.

Single Passengers, each, Four-pence.

Horses, each, One Shilling.

Wheel Carriages, each, One Shilling.

Horned Cattle, each, One Shilling.

Hogs, each, Two-pence.

Sheep, each, Two-pence.

Produce and other Matter measured by the Bushel, One Half-penny, per Bushel.

Rates of Ferriage.

Heavy Weights of every description, per Hundredweight, Six-pence.

Tenders to be called for by public Advertisement.

VIII. All Tenders for the said Ferry shall be called for by Public Advertisement in the *Royal Gazette*, Newspaper, of this Island; and such Tenders may, if it be found advisable, be called for during the existence of a Lease of the said Ferry, so that any Lease or Contract founded thereon may, if required, take effect immediately upon the determination of the former Lease or Contract.

No Tender being received, Lieut. Governor may make Rules, &c.

IX. Where no such Tender shall be received after any such Advertisement, it shall be lawful for the Lieutenant Governor, with the advice aforesaid, to make such Rules, Regulations and Arrangements, respecting the said Ferry, as he shall deem to be most for the benefit and advantage of the Public.

Repeals 11 V., c. 13.

X. The said recited Act of the Eleventh Year of the Reign of Her present Majesty, Chapter Thirteen, intituled *An Act relating to Charlottetown Ferry*, shall be and the same is hereby repealed.

Penalty on persons ferrying without license, and on Ferryman not complying with the terms of his Contract.

XI. Any Person not being duly licensed, who shall carry over the said *Charlottetown Ferry* any Person, Cattle, Carriage, or other article for hire, unless by consent of the Ferryman or Lessee thereof, or on his not giving due attendance or complying with his duties and the terms of his Contract, shall, for each Offence, forfeit the Sum or Fine of Twenty Shillings, to the use of the Person suing for the same, recoverable before any one of Her Majesty's Justices of the Peace.

Minchin's Point Wharf, how managed.

XII. The Public Wharf at *Minchin's Point*, opposite to *Charlottetown*, on the South side of

the *Hillsborough* River, shall be under the management and controul of the Lieutenant Governor in Council, who shall have power to establish the Rates of Wharfage to be paid by Vessels using the same, and to make such other Rules and Regulations for the management of the said Wharf as he may think fit from time to time.

XIII. The Lieutenant Governor in Council may, and he is hereby authorised, from time to time to appoint a fit and proper Person to be Wharfinger of the Wharf at *Minchin's Point*, whose duty it shall be to carry out such Rules and Regulations as, in manner aforesaid, may be made for the management of the same, and to demand and receive from the Owners or Masters of all Vessels using the Wharf the Rate established as in the last Clause mentioned; and such Wharfinger shall have the same power, with respect to the management of the Wharf at *Minchin's Point*, and the removal of and controul over all Vessels coming thereto or lying thereat, as the Wharfinger of the Public Wharfs in *Charlottetown* now has, or hereafter may have, in respect to such last mentioned Wharfs, by virtue of any Act of the General Assembly of this Island, now or hereafter to be in force.

Lt. Governor to appoint a Wharfinger for said Wharf.

Wharfinger's duty and powers.

XIV. If the Master or Owner of any Vessel shall refuse to pay such Wharfage Rate, established as aforesaid, the Wharfinger may sue for, prefer and recover the same in his own Name, with Costs, before any Justice of the Peace or Court of Commissioners for the Recovery of Small Debts in *Charlottetown*, by Summons, Capias or otherwise; and the amount of Judgment and Costs shall be levied by Warrant of Distress and Sale of the Goods and Chattels of the Offenders, or Materials of the Vessel—

Wharfinger may sue for and recover Wharfage, before any Justice of the Peace, &c.



such Rates, when paid or recovered, to be paid into the Treasury of this Island, to and for the use of Her Majesty's Government.

Lieut. Governor  
may remove  
Wharfinger and  
appoint another  
in his stead.

XV. The Lieutenant Governor in Council may remove or displace any Person so appointed Wharfinger of the Wharf at *Minchin's Point*, and as often as occasion may require, from time to time, appoint another Person to be such Wharfinger.

Allowance to  
Wharfinger for  
his services.

XVI. Any Person appointed Wharfinger of the Wharf at *Minchin's Point*, who shall duly and properly discharge the duties of his Office, shall be entitled to receive out of the Treasury of this Island the sum of Five Pounds *per annum*, as remuneration for his services, and so in proportion for a shorter period—the said Salary to be payable half-yearly from the date of each Appointment.

Space to be kept  
clear at Queen-  
street Wharf  
for Ferryboats,  
&c.

XVII. A sufficient space shall always be kept clear at some convenient part of the Eastern side of the *Queen-street Wharf* in *Charlottetown*, for the Boats employed on the Ferry under this Act, to come alongside and discharge and take in Passengers, Luggage, Cattle and Goods; and it shall be the duty of the Harbour Master or Wharfinger of the Public Wharfs of *Charlottetown*, and he is hereby empowered to enforce the Provisions of this Section, and to remove or cause to be removed all Vessels, Boats, Goods or other things which obstruct the free approach of the Ferry Boats to the said Wharf; and it shall be the further duty of such Harbour Master or Wharfinger to see that the Ferryman or Lessee of the said Ferry, under this Act, complies with his Contract, and does his duty; and if he fails in doing so, the said Wharfinger shall report the same to the Colonial Secretary.

Duty of Harbor  
Master or  
Wharfinger of  
the Public  
Wharfs of Char-  
lottetown.

Further duty of  
Harbor Master.

## CAP. XXXV.

An ACT to enable *Thomas Robson* to obtain Letters Patent for a Fog Bell and Horizontal Windmill.

[April 3, 1852.]

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, as follows :

I. It shall be lawful for *Thomas Robson*, of *Sackville*, in the Province of *New Brunswick*, upon his having complied with the Provisions of the Act of the General Assembly of this Island, made for granting Patents for useful Inventions, to obtain Letters Patent for his Invention or Inventions of a Fog Bell Alarm, or means of giving notice to Vessels approaching danger in Foggy Weather, and also of a Pneumatic Machine or Horizontal Windmill for giving notice thereto, or to any Gong or other means of producing a Sound, or for impelling Machinery of any description whatsoever, notwithstanding his Residence out of this Island—the same in every respect as if he had been an Inhabitant thereof, and had resided therein for One Year previous to such Application being made ; and after such Letters Patent so obtained he shall be entitled to all the Rights and Privileges by such Act conferred.

Confers upon *Thomas Robson*, of *Sackville*, N. B., all the rights and privileges conferred upon Inhabitants of this Island by 7 W. 4, c. 21.

II. The whole of such Inventions may be included in the same Letters Patent, and such Letters Patent shall be granted and issued free of Expense to the said *Thomas Robson*.

The whole of his Invention may be included in the same Letters Patent, &c.

III. The Affidavits required by the said Act may be sworn before any Person duly authorised

Affidavits, how to be sworn.

to take Affidavits in the Supreme Court of Judicature of the Province of *New Brunswick*.

Patent right  
not to extend  
beyond Ten  
Years.

IV. Provided always, nevertheless, That nothing herein contained shall extend, or be construed to extend, to grant to the said *Thomas Robson* the exclusive right and liberty of making, using and vending the said Fog Bell and Horizontal Windmill for any longer time than the period of Ten Years, from the passing of this Act.

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## CAP. XXXVI.

An ACT to provide for the Care and Maintenance of Idiots, Lunatics and Persons of Unsound Mind.

[April 3, 1852.]

**W**HEREAS it frequently happens that Persons, Lunatic and of Unsound Mind, are possessed of or entitled to Property sufficient, or in part sufficient, to defray the Expense of their Maintenance and Medical Treatment: And whereas the practice of proceeding by Inquisition in the Court of Chancery has been attended with great Expense and Delay, and is in many cases otherwise ineffective to render such Property available for the Support and Maintenance of such Persons; and it would be for the benefit of such Persons, if power were given to proceed in a summary manner in such cases, under the controul of the Chancellor or Master of the Rolls of this Island: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows:

Chancellor or  
Master of the

I. That when and so often as any Person shall be Idiot, Lunatic or of Unsound Mind, but

possessed of Goods and Chattels, Lands and Tenements, Rights and Credits, it shall and may be lawful for the Chancellor or Master of the Rolls of this Island, on Petition, stating the Name, Age and Residence of the Person therein alleged to be Idiot, Lunatic or of Unsound Mind, and particularly setting forth the Real and Personal Estate, Rights and Credits of and belonging to such Person, so far as the same are known to the Petitioner, and the value thereof, and verified by the Affidavit of such Petitioner, or some other credible Person or Persons, (and which Petition and Affidavit shall be in the form in the Schedule to this Act annexed, respectively marked (A.) and (B.), with such alterations and variations as circumstances may require,) to order such Person, so alleged to be Idiot, Lunatic or of Unsound Mind, to be examined by Two competent Medical Men, for the purpose of ascertaining his state of Mind and capability of managing his own Affairs, (which Order shall be in the form in the Schedule to this Act annexed, marked (C.), with such alterations and variations as circumstances may require,) which Two Medical Men shall certify their opinion thereon; and if, upon such Certificate of such Medical Men, it shall appear to the satisfaction of the Chancellor or Master of the Rolls that such Person is of Unsound Mind and incapable of managing his own Affairs, and that under the circumstances it will be for the benefit of such Person so found Idiot, Lunatic or of Unsound Mind, that the custody of his Person and management of his Estate should be committed to some other Person, it shall and may be lawful for the said Chancellor or Master of the Rolls to make an Order, appointing some fit and proper Person or Persons to be a Committee of the Person and Estate of such Idiot, Lunatic or Person of Unsound Mind, and also,

Rolls may, on Petition, order alleged Idiot, &c., to be examined.

Form of Petition, &c.

Form of Order.

Chancellor, &c., may make an Order for proper management of the Estate.

Form of such  
Order.

if necessary, directing such Allowance to be made out of the Estate for the Maintenance and Medical Treatment of such Person as shall be deemed proper, (which Order shall be in the form in the Schedule to this Act annexed, marked (D), with such alterations and variations as circumstances may require), and which Order shall have the effect of vesting the Person and Estate of such Idiot, Lunatic, or person of Unsound Mind, in such Committee, in the same manner as a Grant to the Committee of the Person and Estate of a Lunatic, made by and under the order and direction of the Chancellor, would have done: Provided always, that when the fact of such person being Idiot, Lunatic, or of Unsound Mind, shall be doubtful, the said Chancellor or Master of the Rolls, before making any such Order, may, if he shall see fit, direct a Commission, in the nature of a *Writ de Lunatico Inquirendo*, to be issued, in order that the state of such Person's Mind may be ascertained by a Jury, as in other cases; and until the return of the Inquisition thereon, may make such Provisional Order respecting the Person and Estate of such alleged Lunatic or Idiot as may seem necessary.

Chancellor, &c.,  
may direct a  
writ to be issued  
in certain cases.

II. That in case the Yearly Income from the Estate of such Idiot, Lunatic, or Person of Unsound Mind, shall not be sufficient for the Maintenance and Medical treatment of such person, it shall and may be lawful for the said Chancellor or Master of the Rolls, either at the time of making the Order appointing the Committee of such person, or at any time afterwards, or from time to time, as it may be necessary or expedient so to do, to order and direct the Freehold Estates and Personal Property of such person, or any part or parts thereof, to be Sold or Leased, for the purpose of raising such Sum or

Chancellor may  
order Freehold  
Estates and  
personal pro-  
perty to be sold  
or leased.

Sums of Money as shall or may be necessary for the Maintenance and Medical treatment of such Person (which Order shall be directed to the Sheriff of the County in which such Estates or Property is situate, and shall be in the form in the Schedule to this Act annexed, marked (E), with such alterations and variations as circumstances may require); and in cases where the Order is made to sell only a specified part of such Estate, the said Chancellor or Master of the Rolls may, from time to time, make further Order to sell a further part of such Estate, for the Maintenance and Medical treatment of such person.

Form of such Order.

Chancellor, &c., may make further Order.

III. That every Order to Sell or Let Real Estate as aforesaid shall be registered by the Registrar of the Court of Chancery, and a Copy of such Record, under the Seal of the said Court, certified under the hand of such Registrar, shall be evidence in all Courts, without further proof.

Order to be registered.

IV. That before any Sale or Lease be made of any Freehold or Leasehold Estate, by virtue of such Order, the Sheriff to whom the same is directed shall give Thirty Days' Public Notice of such Sale or Letting, by putting up Notifications, in Three of the most Public places in the County where the Land lies, and by publishing such Notification, once in each week, for Four successive Weeks, in the *Royal Gazette* of this Island, in which Notifications the Name and Residence of the Lunatic, Idiot, or Person of Unsound Mind, shall be stated, and the several Parcels of the Lands or Tenements to be Sold or Leased shall be particularly and appropriately designated; and whoever will give most shall have the preference at such Sale or Letting, and such Sale or Letting shall be by Public Auction.

Duty of Sheriff with respect to such Order.

Sheriff to execute Deed or Lease of Premises sold, &c.

V. That on Sale or Letting of any such Real Estate, under such Order, the Sheriff shall and may execute a Deed or Lease of the Premises so Sold or Leased, in which the Substance of such Order shall be recited—which Deed or Lease shall have the like force and effect as if made and executed by such Idiot, Lunatic, or Person of Unsound Mind, when in his sound mind.

Deed or Lease may be registered in the Office of the Registrar of Deeds—and given in evidence, &c.

VI. That every Deed or Lease made by any Sheriff, under the provisions of this Act, having been first duly acknowledged and proved according to the law relating to the Registry of Deeds, and an Affidavit having been made by such Sheriff, before any Officer or Court duly authorized to take acknowledgments in proof of the Execution of Conveyances, and endorsed in the said Deed or Lease, that the said Premises mentioned in such Deed or Lease have been duly Advertised, and Sold according to Law, may be registered in the Office of the Registrar of Deeds for this Island; and such Deed or Lease so registered, or a Copy thereof (in case the Original be lost), may be given in evidence in any Court of Law or Equity in this Island, in like manner, and with and under the same Rules and Restrictions as any other registered Deed; and when so given in Evidence, together with proof, as herein before mentioned, of such order, shall be deemed and taken to be evidence that all proceedings in which such Conveyance is founded were rightly had and done.

Proceeds of sale of Property to be paid into the Treasury.

VII. That all Moneys which may be received by any Sheriff from any Sale made under the authority of this Act (after deducting his poundage, fees and expenses), shall be paid into the Treasury of this Island, accompanied by a Certificate, stating the name of the Lunatic, and of the person or persons acting as his Committee;

and on receipt thereof, the Treasurer shall open an Account with the Committee of such Lunatic, and shall enter the amount paid in to the credit of such Committee; and all Moneys so paid in shall be applied by the said Treasurer in paying off Treasury Warrants, in the same manner as other Public Moneys—Interest, after the rate of *Five per centum per annum*, being allowed thereon, and carried to the credit of such Committee in such Account.

Application  
thereof.

VIII. That the Chancellor or Master of the Rolls may from time to time grant an Order, and direct the Treasurer, out of the Moneys so paid in to the credit of any such Committee as aforesaid, or the Interest accrued thereon, to pay either to such Committee, or to the Trustees or Keeper of any Asylum for the care of Lunatics, such Quarterly Allowance for the Maintenance and Medical treatment of such Lunatic, Idiot, or Person of Unsound Mind, as the said Chancellor or Master of the Rolls may deem just.

Chancellor, &c.,  
may order quarterly allowance  
for maintenance  
&c. of Lunatic.

IX. That it shall be lawful for the said Chancellor or Master of the Rolls, in case it shall be deemed for the benefit of such Idiot, Lunatic, or Person of Unsound Mind, so to do, to order and direct such person to be placed in any Asylum for the care of Lunatics in this Island, or in any other abode suitable for the reception and circumstances of such Lunatic, and to direct such Allowance out of the Estate as may be necessary for the Maintenance and Medical treatment of such person at such Asylum, to be paid to the Trustees of such Asylum, or to such person as they shall appoint.

Chancellor, &c.,  
may order Lunatic to be placed  
in any Asylum for Lunatics  
in this Island.

X. And whereas it sometimes happens that the Goods and Effects of Idiots, Lunatics and Persons of Unsound Mind are withheld by others,



Mode of proceeding, when goods or effects of lunatic are withheld.

Forms of Attachment and Summons.

and cannot be come at by the Committee of the Estate of such Idiots, Lunatics, or Persons of Unsound Mind: Be it therefore enacted, that when the Goods or Effects of any Idiot, Lunatic, or Person of Unsound Mind, shall be detained or withheld from the Committee of the Estate of such person, by any person or persons whomsoever, it shall be lawful for such Committee to cause such Goods or Effects to be attached, in whose hands or possession, or under whose management soever the same are or may be found; and also to cause such person or persons to be served with a Summons to appear in the Supreme Court at the then next sitting thereof, and submit to an examination respecting the Goods so attached (which Attachment and Summons shall be in the forms in the Schedules to this Act annexed, marked respectively (F) and (G), with such alterations and variations as circumstances may require), and shall be issued out of the Office of the Prothonotary of the Supreme Court, on Affidavit filed on Judge's Order, as in other cases; and in case the person or persons so summoned shall admit the Goods and Effects so attached to belong to such Idiot, Lunatic, or Person of Unsound Mind, and it shall appear, to the satisfaction of the Court, that such Idiot, Lunatic, or Person of Unsound Mind, is entitled to the possession thereof, it shall be lawful for the said Supreme Court to order such Goods and Effects to be delivered up to the Committee of such person; and in case the person in whose hands or power such Goods and Effects shall have been attached, as aforesaid, shall claim a right to retain such Goods or Effects, the said Court shall proceed to examine the merits of the case, by Witnesses (wherein no dilatory plea shall be allowed), and to determine either for Plaintiff or Defendant,

according to law and equity, and to make up Judgment accordingly.

XI. That where no Goods or Effects of such Idiot, Lunatic, or Person of Unsound Mind, shall be exposed to view, or can be come at so as to be attached; it shall and may be lawful for the Committee of such Idiot, Lunatic, or Person of Unsound Mind, to cause any person or persons suspected of having any Goods or Effects of or belonging to such Idiot, Lunatic, or Person of Unsound Mind, or of being Indebted to such person in any sum or sums of Money, to be served with a Summons out of the said Supreme Court, which Summons shall contain a declaration of the cause of complaint in the body thereof, in the same manner as is contained in Summary Writs issued out of the Supreme Court, and directing the Defendant or Defendants therein named to appear in the Supreme Court, and submit to an examination respecting any Goods in his hands, or power of, or belonging to such Idiot, Lunatic, or Person of Unsound Mind, or of any Debts, or sum or sums of Money due from such Defendant to such person; and the Defendant shall thereupon submit to an Examination, on Oath, in the said Court, respecting the same; after which (if the said Court shall deem it necessary, or either party shall desire it), the Court shall proceed to examine Witnesses (wherein no dilatory plea shall be allowed), and to determine either for Plaintiff or Defendant, according to law, and to make up Judgment accordingly.

Person suspected of having goods or effects of lunatic in his possession, &c., how dealt with.

XII. That the Defendant or Defendants, on the trial of any Action or Suit commenced and prosecuted by Attachment or Summons, under the authority of this Act as aforesaid, shall have the benefit of all matters in his, or her, or their

Privilege of defendant in conducting his defence.

Defence, that he, she, or they might have had, if he, she or they had been sued in the ordinary forms of Law heretofore practised in the said Court, or in any Court of Equity in this Island; and the said Supreme Court is hereby required and empowered to allow the same to the said Defendant or Defendants.

Court may order Jury to be summoned for trial of matter of fact.

XIII. Provided always, That when on examination of the Defendant or Defendants, or the Witnesses, the matter of fact, from a consideration of the whole Evidence, may appear doubtful, or when either of the parties shall desire it, and so elect, the said Court shall in all cases thereupon order the Sheriff, or his Deputy, immediately to summon a Jury for the trial of such matter of fact; or if it be found necessary, to appoint a day for such Trial, and Judgment on the Verdict shall or may be entered up and signed for the party in favour of whom the same shall have been given.

Defendant neglecting to appear at return of Summons, liable to pay costs, &c.

XIV. That if any Defendant duly served with Summons as aforesaid shall neglect to appear at the return thereof, and submit to such examination, on Oath, as aforesaid, he shall be liable to pay to the Plaintiff all such Costs as shall or may accrue upon such Suit, the same to be taxed in common form; and the said Court shall also order any Goods of such Lunatic which have been attached in such Defendant's hands, to be delivered up to the Committee of such Lunatic, and also give Judgment by default against such Defendant, for the value of any Goods of such Lunatic in Defendant's hands, or any sum or sums of Money alleged in such Summons to be due from such Defendant to such Lunatic, unless the said Supreme Court shall see fit to allow such Defendant further time to appear and answer respecting the premises.

XV. That the Chancellor, or Master of the Rolls, shall allow to and direct to be paid out of the Estate and Effects of any such Idiot, Lunatic, or Person of Unsound Mind, the reasonable Costs and Expenses of the person or persons petitioning under this Act, and incurred by him or them in any way or manner thereunder; and also shall allow to and order to be paid out of the Estate and Effects of any such Idiot, Lunatic, or Person of Unsound Mind, a reasonable Annual Allowance to his Committee, together with reasonable Costs and Expenses incurred by the said Committee in the management of the said Estate.

Chancellor, &c.,  
to allow reasonable  
costs to peti-  
tioner, &c.

XVI. That the Committee of the said Idiot, Lunatic, or Person of Unsound Mind, shall and he is hereby required to produce to the Chancellor, or Master of the Rolls, Quarterly, a Certificate, under the hand of One competent Medical person, setting forth the state of Mind of the said Idiot, Lunatic, or Person of Unsound Mind, at the time; and the Committee of any such Idiot, Lunatic, or Person of Unsound Mind, shall not be entitled to any Order for the payment of the care and maintenance of such Idiot, Lunatic, or Person of Unsound Mind, or for the payment of any Moneys out of his Estate, for any purpose whatsoever, until such Quarterly Certificate shall have been produced as aforesaid.

Duty of Com-  
mittee of Luna-  
tic.

XVII. That it shall be lawful for the Chancellor or Master of the Rolls (in case they shall deem it necessary and consistent with the due and proper maintenance of any Idiot, Lunatic, or Person of Unsound Mind) to direct such Allowance as they shall think fit to be made out of the Estate of such person for the support and maintenance of his Family.

Chancellor, &c.,  
may order Al-  
lowance for sup-  
port of lunatic's  
family.

**XVIII.** That any person so found Idiot, Lunatic, or of Unsound Mind, on recovering his reason, and becoming capable of managing his own affairs, may petition the Chancellor, or Master of the Rolls, stating such recovery ; and the said Chancellor, or Master of the Rolls, on being satisfied by the Certificate of some competent Medical man that such person has become capable of managing his own affairs, may order the proceedings taken against such Person and his Estate to be superseded, and also to direct any Moneys in the hands of the Treasurer of the said Island, which may have been paid in as aforesaid, and there remain standing to the credit of the Committee, to be paid to such person ; and the Committee of such person shall thereupon render to him a just and true Account of his Estate, and shall deliver and pay over to him all the Effects and Moneys belonging to the Estate of such person remaining in his hands, after deducting all just and necessary Costs, Charges and Expenses, which such Committee may have been at, or incurred, or become liable to pay, in and about the Execution of the Trusts committed to him, or in and about the care and management of such Estate ; and in case of the death of such Idiot, Lunatic, or Person of Unsound Mind, before such Order and Proceedings shall be superseded as aforesaid, such Committee shall render the like Account unto the Executors or Administrators of such person, to whom the said Chancellor or Master of the Rolls shall also direct any Money in the Treasury as aforesaid to be paid.

Person recovering his reason, may petition Chancellor, &c., stating such recovery.

Order thereon.

Duty of Committee in such cases.

Mode of procedure, in case of death of lunatic.

Gives right of appeal to parties aggrieved.

**XIX.** That any person feeling himself aggrieved by any Order, or any Sale or Disposition of the Estate of such Idiot, Lunatic, or Person of Unsound Mind, made under the authority of this Act, may appeal by Petition to the Court

of Chancery of this Island—provided such Petition be presented by some person, who (in the event of the death of such Idiot, Lunatic, or Person of Unsound Mind), might be entitled to or claim an interest in some part of the Estate so sold or disposed of; and the said Court may thereupon make such Order or give such directions concerning the matter of such Petition as shall be deemed just.

XX. That all and every act done by any such Committee of the Estate of any person being Idiot, Lunatic, or of Unsound Mind, under and by virtue of this Act, and the Order of the Chancellor or Master of the Rolls, as aforesaid, shall be as valid and binding against such person so being Lunatic, Idiot, or of Unsound Mind, and all persons claiming by, from or under him, as if the person so being Idiot, Lunatic, or of Unsound Mind, had been in his sound mind, and had personally done such act or acts.

Renders valid  
all acts of Com-  
mittee.

XXI. That the Estate and Effects of any person declared Idiot, Lunatic, or of Unsound Mind, under and by virtue of this Act, shall be liable to be charged with the maintenance of all such persons liable to be maintained by such Idiot, Lunatic, or Person of Unsound Mind, as if he was of sound mind, under and by virtue of the Act of the General Assembly of this Island, in that behalf made and passed in the Fourteenth year of the Reign of Her present Majesty, if it shall appear to the Chancellor or Master of the Rolls that the Estate and Effects of such Idiot, Lunatic, or Person of Unsound Mind, is more than adequate for his support; and in such event, the Chancellor or Master of the Rolls may order such sum, as a maintenance as aforesaid, to be paid out of his Estate and Effects in manner as in such Order shall be directed, on

Estate of luna-  
tic liable for  
maintenance of  
persons depen-  
dent upon him  
for support.

application, by Petition and Affidavit, in a summary way, by any person or persons authorized under the said recited Act, to apply to any two Justices of the Peace thereunder.

Suspending  
clause.

XXII. That nothing in this Act contained shall have any force or effect until Her Majesty's pleasure therein be known.

### Schedules to which this Act refers.

#### SCHEDULE (A.)

##### FORM OF PETITION.

In the Matter of *A. B.*, a supposed Lunatic.

*To (the Chancellor, or Master of the Rolls, as the case may be.)*

The Petition of *C. D.*

Humbly Sheweth—

Petition.

That *A. B.*, of \_\_\_\_\_ in the County \_\_\_\_\_ your Petitioner [the relationship, if any, between the Petitioner and the supposed Lunatic] now is and hath for the last past, been so deprived of his reason and understanding that he is rendered altogether unfit and unable to govern himself or to manage his affairs, as by the Affidavit hereto annexed appears.

And your Petitioner further shews, that the Estate and Effects of the said *A. B.*, so far as is known to your Petitioner, consists of—[here set forth the Property, and if lands, whether the same are leased, and at what rents, or produce any and what annual income]—and your Petitioner believes that the whole value of such property, if sold, would amount to the sum of £ \_\_\_\_\_ or thereabouts.

Your Petitioner therefore prays that your \_\_\_\_\_ will be pleased to order that the said *A. B.* be examined by two competent Medical men, for the purpose of ascertaining the said *A. B.*'s state of mind, and his capability of managing his affairs; and that if the said *A. B.* shall be found of unsound mind, and incapable of managing his affairs, that the custody of the Person and Estate of the said *A. B.* may be committed to some fit and proper person or persons, according to the Statute in such case made and provided.

And your Petitioner will ever pray.

(Signed)

*C. D.*

## SCHEDULE (B.)

## FORM OF AFFIDAVIT.

*C. D.*, of                      maketh oath and saith, that he hath known *A. B.*, the supposed Lunatic, in the annexed Petition named, for the space of                      last past, and this deponent verily believes him to be disordered in his reason, and thereby rendered incapable of taking care of his Person or Estate; and this deponent further saith, that the only Estate and Effects of the said *A. B.*, as this deponent verily believes, consist of [here set forth the property]; and this deponent further saith, that he, this deponent, verily believes that such Estate and Effects are of the value set forth in the annexed Petition. Affidavit.

(Signed)                      *C. D.*

Sworn before me, at                      this }  
day of                      185 }

[The Affidavit must be sworn before a Master in Chancery, Judge of the Supreme Court, or Commissioner for taking Affidavits in the Supreme Court.]

## SCHEDULE (C.)

## FORM OF ORDER TO MEDICAL MEN.

In the Matter of *A. B.*, a supposed Lunatic.

Upon reading the Petition of *C. D.*, and Affidavits of thereunto annexed, I do order that the said *A. B.* be examined by                      for the purpose of ascertaining whether the said *A. B.* is a person of unsound mind and incapable of managing his own affairs; and that the said do certify their opinion hereon, touching the premises, on or before the                      day of                      pursuant to the Act in such case made and provided. Order to Medical Men.

Dated the                      day of                      185 .  
J. K., Ch. or M. R.

## SCHEDULE (D.)

## FORM OF ORDER APPOINTING COMMITTEE.

In the Matter of *A. B.*, a person of Unsound Mind.

Whereas by an Order, bearing date the                      day of                      it was (in pursuance of the Statute in such case made and provided) referred to                      of                      Surgeon, to examine the said *A. B.*, for the purpose of ascertaining whether he the said *A. B.* was a person of unsound mind and Order appointing Committee.



incapable of managing his own affairs; and whereas upon reading the Certificate of the said \_\_\_\_\_ given under and in pursuance of such Order, it appears to my satisfaction that the said *A. B.* is of unsound mind, and incapable of managing his own affairs: I do, therefore, by virtue and in pursuance of the power and authority by the said Statute in me vested, appoint \_\_\_\_\_ to be a Committee of the Person and Estate of the said *A. B.*; and I do hereby order and direct that the custody and management of the Person and Estate of the said *A. B.* be, and the same is hereby committed to and vested in the said \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 185 .  
J. K., Ch. or M. R.

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### SCHEDULE (E.)

#### FORM OF ORDER TO SELL LAND.

In the Matter of *A. B.*, a Person of Unsound Mind.

To the Sheriff of \_\_\_\_\_ County, Greeting:—

Order to Sell  
Land.

Whereas by virtue of an Act made and passed in the year of the Reign of Queen Victoria, intituled "An Act to provide for the Care and Maintenance of Idiots, Lunatics, and persons of Unsound Mind," the said *A. B.* hath been duly found and adjudged to be a person of unsound mind and incapable of managing his own affairs, and the care and custody of the Person and Estate of the said *A. B.* hath been duly committed to \_\_\_\_\_ and whereas it hath been made to appear to me that the yearly income from the Estate of the said *A. B.* is insufficient for the maintenance and medical treatment of the said *A. B.*, and that it would be for the benefit of the said *A. B.* that the Lands and Premises hereinafter mentioned should be sold for the support and maintenance of the said *A. B.*: I do, therefore, hereby order and direct you, that you do (after first giving Thirty Days' Public Notice thereof, pursuant to the provisions of the said Act in such case made and provided) set up and sell at Public Auction a certain piece of Land of and belonging to the said *A. B.*, situate [here describe the situation of the Land to be sold] to the best purchaser or purchasers that can be got for the same, and that you do pay the proceeds arising from such sale (after deducting Sheriff's poundage and other incidental expenses) into the Treasury of this Island, to the credit of the said \_\_\_\_\_ the Committee of the said *A. B.*, pursuant to the provisions of the said Statute.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 185  
J. K., Ch. or M. R.

## SCHEDULE (F.)

## FORM OF ATTACHMENT.

Prince Edward Island, County. { Victoria, by the Grace of God,  
of the United Kingdom of Great  
Britain and Ireland, Queen, De-  
fender of the Faith, &c., &c.

To the Sheriff of

County, Greeting:—

We command you that you attach the Goods and Chattels belonging to *A. B.*, a Person of Unsound Mind, consisting of the following articles, to wit: [here enumerate the articles] now alleged to be in the possession of *C. D.*, within your Bailiwick, and also to Summon the said *C. D.* to appear before us in our Supreme Court of Judicature, to be holden at on the then and there to answer *E. F.*, the Committee of the said *A. B.*, touching the said Goods and Chattels. Hereof fail not to make due return of this Writ, and your doings herein, according to law.

Attachment.

Witness Edward James Jarvis, Esquire, at Charlotte-  
town, the day of in the  
year of our Reign.

## SCHEDULE (G.)

## FORM OF SUMMONS.

Prince Edward Island, County. { Victoria, by the Grace of God,  
of the United Kingdom of Great  
Britain and Ireland, Queen, De-  
fender of the Faith, &c., &c.

To the Sheriff of

County, Greeting:—

We command you that you Summon *C. D.*, alleged to be or lately to have been in possession of certain Goods and Chattels, Effects and Credits, to wit: [here enumerate the articles] of and belonging to *A. B.*, a Person of Unsound Mind, that the said *C. D.* may appear in his own proper person before us, in our Supreme Court of Judicature, to be holden at on the then and there to answer *E. F.*, Committee of the said *A. B.*, touching the said Goods and Chattels, Effects and Credits, as directed in and by an Act intituled "An Act to provide for the Care and Maintenance of Idiots, Lunatics, and Persons of Unsound Mind;" and hereof fail not to make due return of this Writ or Summons, and your doings therein, according to law.

Summons.

Witness Edward James Jarvis, Esquire, at Charlotte-  
town, this day of in  
the year of our Reign.

## CAP. XXXVII.

An ACT for the better preventing Accidents by Fire within *Charlottetown* and the Common thereof.

[April 3, 1852.]

WHEREAS it is expedient to amend the Laws now in force, relating to the Prevention of Accidents by Fire in *Charlottetown*, and to extend the operation thereof to a certain extent to the Common of *Charlottetown*, on which many Dwelling Houses and other Buildings are now built, so near to the said Town that in many instances the breaking out of a Fire amongst them would considerably endanger the safety of the said Town, and it is therefore advisable that Fire Wardens should be appointed, having authority to visit Houses erected on the said Common, and that the Owners and Occupiers thereof should be compelled to comply with other Provisions and Regulations calculated to prevent Accidents by Fire, and it is deemed expedient to embody in one Act the Laws now in force, for the prevention of Accidents by Fire in *Charlottetown*, together with the Amendments to be made therein as aforesaid: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows:

Repeals 12 Vic.  
c. 8.

I. An Act passed in the Twelfth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for the better preventing Accidents by Fire within Charlottetown*, shall be and the same is hereby repealed.

Town and Common to consist  
of 9 Wards, &c.

II. The said Town and Common of *Charlottetown* shall consist of Nine Wards or Districts, and each Ward or District shall be numbered

and bounded as mentioned and described in the Schedule to this Act annexed, marked (A.), and each of the said Wards or Districts shall have Two Fire Wardens.

III. From and after the time when this Act shall go into operation, it shall and may be lawful for the Lieutenant Governor or other Administrator of the Government of this Island for the time being, by and with the advice and consent of Her Majesty's Council, to appoint Eighteen Persons within the Town and Common of *Charlottetown* to be a Board of Fire Wardens—Two for each of the said Wards—and from time to time to remove the said Fire Wardens, or any of them; and when any Vacancy shall happen in said Board, either by Death, Removal, Incapacity to Serve, or otherwise, to appoint one or more Fire Warden or Fire Wardens to fill any Vacancy or Vacancies so occurring—which Persons so at any time appointed Fire Wardens shall be sworn faithfully to discharge their duties, and shall, unless sooner removed, remain in Office during the continuance of this Act.

Board of Fire Wardens, how appointed, &c.

Fire Wardens to be sworn.

IV. No Clergyman or Licensed Schoolmaster shall be obliged to serve as Fire Warden; and any Person refusing to accept the Office of Fire Warden, after having been nominated thereto as aforesaid, shall forfeit the sum of Five Pounds, to be recovered, with Costs, before any Two of Her Majesty's Justices of the Peace for Queen's County, by and in the name of the Clerk of Her Majesty's Executive Council for the time being.

Parties exempt from serving as Fire Wardens.

Penalty on other persons refusing to serve.

V. The said Board of Fire Wardens may nominate, annually, from among themselves, a Chairman, and a Clerk who shall be likewise Treasurer to such Board; and it shall and may

Chairman and Clerk to be nominated annually.

Powers of Fire  
Wardens.

Fines, how re-  
coverable.

Treasurer to  
give Bond.

To whom such  
Bond shall be  
given.

Mode of recove-  
ry of Penalty.

Compensation  
to Treasurer.

Fire Wardens'  
Badge.

be lawful for said Fire Wardens, or any Five of them, to make, ordain and put in execution such Rules, Orders and Bye-laws, and to impose such Fines and Penalties as to them shall seem meet and proper for regulating the Proceedings of the said Board, and to manage all Questions that may be brought before them touching their duty as such Fire Wardens; and all Fines to be imposed under the authority of such Bye-laws may be recovered, on information, by and in the name of the said Chairman for the time being, before any One of Her Majesty's Justices of the Peace for Queen's County, and such Fines shall be levied by Distress and Sale of the Offender's Goods and Chattels, and be paid to the Treasurer of the said Board, for the purposes of this Act.

VI. The Treasurer of the said Board, before entering upon the Duties of his Office, shall give Bond, with sufficient Sureties, in the Penalty of Five hundred Pounds, for the due performance of the Duties of his said Office, and for faithfully accounting from time to time for all such Moneys as shall come to his hands as such Treasurer—which Bond shall be given to and in the name of the Chairman of the said Board for the time being, and to his Successors in Office, and in case of Forfeiture, shall be recovered by the Chairman of the said Board for the time being; and the said Treasurer shall be allowed and paid for his Services under this Act, such Sum as shall be allowed by the said Board, not exceeding in the whole the sum of Five Pounds *per centum* on all Moneys received as such Treasurer.

VII. The Fire Wardens so appointed as aforesaid shall have a suitable Staff, as a Badge of Office, which shall be Five feet in length, painted red, and headed with tin, iron or brass;

and upon the breaking out of any Fire, the Fire Wardens, taking their Badges or Staffs with them, shall forthwith repair to the spot and use their utmost endeavours to extinguish and prevent the spreading of the Fire, and to preserve and secure the Property of the Inhabitants; and the said Fire Wardens, and also all Justices of the Peace present at any Fire, may command the assistance of the Inhabitants therein, and in removing Property out of any Building actually on Fire or in danger thereof, and appoint Guards to secure and take care of the same, and may command assistance for the pulling down of Buildings in accordance with directions for that purpose given by Five or more Fire Wardens, as hereinafter provided for, or for other Services relating thereto, to prevent the further spreading of the Fire, and to suppress Tumults and Disorders; and due obedience shall be yielded unto the said Fire Wardens and Justices of the Peace for those Services, and generally, at such Fires; and for any disobedience of their Orders, information thereof shall, within Ten days next thereafter, be given to a Justice of the Peace—not being the Justice making the Complaint—and the Offender shall be liable to a Penalty not exceeding Forty Shillings; and if he shall not pay the same, shall be imprisoned for a Period not exceeding Ten days.

Duty of Fire Wardens, on the breaking out of Fire.

Justices of the Peace, Fire Wardens, &c., may command assistance of Inhabitants, &c.

Penalty for disobedience of Orders.

VIII. The Board of Fire Wardens aforesaid shall meet from time to time, as may be required; but said Board shall meet regularly on or about the last *Tuesday in April*, in every year, for the purpose of preparing an Estimate of such Sums as they may consider necessary for procuring a further supply of Fire Engines, Water Carts, Casks, Buckets, Bags, Fire Bells or other Implements, or to be distributed as Premiums, or for any other purpose whatsoever

Meetings of Board.

Estimates to be prepared.

Estimates to be  
submitted to  
Town Meeting.

the said Board may consider it necessary to apply the same; and the said Board, or a Committee appointed by them for the purpose, shall attend with said Estimate at the then next Town Meeting, convened by the Members of the House of Assembly, elected to represent the said Town for the time being, for the purpose of levying an Assessment for keeping in repair the Pumps and Wells, and for other purposes; and said Board or Committee shall recommend to the said Meeting the necessity of levying the said Amount, in addition to the usual Assessment; and any Sums voted and appropriated by such Meeting shall be paid into the hands of the Treasurer of the said Board of Fire Wardens within Thirty days after the same has been so voted and appropriated.

Sums voted,  
how disposed of.

Chimney  
Sweepers to be  
licensed.

Penalty for  
neglect of duty.

IX. It shall and may be lawful for the said Board of Fire Wardens to License proper Persons for the Sweeping of Chimneys; and any neglect or violation in the Performance of their Duty, as hereinafter to be specified by the Fire Wardens, shall subject the Party to a Fine not exceeding Five Shillings.

Unlicensed  
Chimney  
Sweepers, how  
punished.

X. No Person or Persons shall be permitted to follow the Occupation of a Chimney Sweeper in the said Town or Common, unless he or they shall have first been Appointed and Licensed by the said Board of Fire Wardens as aforesaid, for that purpose, under a Penalty of Forty Shillings.

Chimneys,  
when to be  
swept.

XI. Every Chimney which shall or may be used in the Town or Common of *Charlottetown* shall be swept once in every Three Months, between the First day of *May* and the Thirty-first day of *October*, and once every Two Months, from the last mentioned period until the Thirtieth day of *April*; and if any Licensed Chimney

Sweeper shall, when required so to do, refuse or neglect to Sweep any Chimney, or shall negligently or improperly do the same, he shall be liable to a Penalty not exceeding Ten Shillings for each and every Offence.

Penalty on Chimney Sweeper neglecting to sweep Chimneys, when required, &c.

XII. The said Chimney Sweeper or Chimney Sweepers, so Licensed as aforesaid, shall be entitled to receive for the Sweeping of each and every Flue such Sum as the said Board of Fire Wardens shall deem just and reasonable, Notice of which shall be inserted in the *Royal Gazette*, Newspaper, at least Four successive Weeks next after they shall have determined the same; and a majority of said Board of Fire Wardens for the time being may vary the Amount to be paid for Sweeping Chimneys as often as they shall see proper, during the continuance of this Act.

Rates for sweeping Flues.

Notice thereof to be given.

Board may vary such Rates.

XIII. If the Chimney of any House in *Charlottetown*, or the Common thereof, shall take Fire, and if the Occupant or Occupants of such House cannot produce sufficient Evidence that the said Chimney had previously been swept by the Licensed Chimney Sweeper, one being in Office within the period prescribed by this Act, the same House having been occupied by such Occupant for such period or that a Licensed Chimney Sweeper had been requested, but had neglected to sweep the said Chimney, the said Occupant or Occupants shall incur a Penalty of Ten Shillings.

Chimney taking Fire, Occupant of House liable to a Penalty.

XIV. The Tenant or Occupant of every House, or part of a House, in the said Town and Common, of the yearly value of Ten Pounds and upwards, shall provide himself or herself with and keep One Leathern Bucket, to contain not less than Two gallons, on which the Owner's Name shall be painted—which Bucket shall be

Leathern Bucket to be provided by Occupant of House.



Penalty for neglect.

kept hung up in the Passage or Hall, or in some conspicuous place in such House or part of a House, under the Penalty of Five Shillings for each and every time the said Bucket shall not be found so hung in its proper place as aforesaid by the Fire Warden or Fire Wardens when they shall visit the said House or part of a House.

Ladders to be provided by Proprietor, &c.

Neglect, how remedied.

XV. It shall be the duty of the Proprietor or Landlord of any such House or Houses in *Charlottetown* and *Common*, to provide Ladders necessary to carry Water to any part of the same; and if any Proprietor or Landlord shall neglect or refuse to provide such Ladders, the Occupier or Tenant of any such House shall procure the same, and shall be allowed to deduct the value thereof from the Rent.

Occupant not having such Bucket, &c., liable to a Penalty of 20s.

Time allowed after Fine to provide such articles.

XVI. The Occupier of any such House or Houses, or parts of Houses in *Charlottetown* and *Common*, omitting to have the said Bucket and Ladder or Ladders, or not having the same in sufficient repair and fit for immediate use, shall incur a Penalty not exceeding Twenty Shillings for each and every such omission: Provided, that no person shall be subject to be fined a second time, by virtue of this Clause, if he shall provide or repair his Ladder or Bucket within Ten Days next after any Fine shall have been imposed thereunder and paid by him.

General duties of Fire Wardens.

XVII. Each of the said Fire Wardens shall, once in every Four Months, visit each House within his Ward or District, in the said Town and Common, and inspect the Buckets, Ladders, Chimneys, Flues and Stoves therein; and it shall and may be lawful for the said Fire Wardens, or either of them, who shall think fit to visit any House or Houses in the said Town or

Common, once a month, between the hours of Ten in the forenoon and Five in the afternoon, to inspect the Water Buckets, Ladders, Chimneys, Flues and Stoves; and it shall also be lawful, upon information given in writing by any person, to any Fire Warden, that any Stove, Chimney or Flue, within any House within his District is in a dangerous situation, for any such Fire Warden to visit any such House at any other day, between the hours aforesaid, to inspect any such Stove, Chimney or Flue, and it shall be the duty of the said Fire Warden so to do; and any House-keeper refusing to produce the said Water Buckets or Ladders or to admit such Fire Warden, shall, for every such refusal, incur a Penalty of Five Shillings.

Penalty on  
House-keepers  
in certain cases.

XVIII. Any Fire Warden who shall neglect to visit and inspect every House and Workshop in his Ward, in the Town or Common aforesaid, for the purposes aforesaid, once in every Four Months as aforesaid, or who shall neglect or refuse, upon information so given in writing as aforesaid, to visit any House, shall, for each and every such House or Workshop so neglected or refused to be visited and inspected as aforesaid, be liable to and forfeit a sum not exceeding Five Shillings.

Fire Warden,  
for neglect of  
duty, liable to  
a Penalty.

XIX. If any House-keeper in the said Town or Common shall collect, or keep or permit to be kept, any Hay, Straw or Flax, in any part of a Dwelling-house, or shall collect or keep Ashes on a Wooden Floor or in a Wooden Vessel in the said House, or in any Out-house or Yard appertaining thereto, such House-keeper shall forfeit Ten Shillings for every such offence, and likewise the Hay and Straw or Flax found in such Dwelling-house—excepting al-

Further Penal-  
ty on House-  
keeper, in cer-  
tain cases.

ways such Hay or Straw as may be in use for Bedding.

Carrying light-  
ed candle from  
house to house,  
unless properly  
secured, how  
punished.

XX. No lighted Candle, Fire or Firebrand, shall be carried from House to House or place to place, within the Town of *Charlottetown* or *Common*, unless such Candle, Fire or Firebrand, shall be properly enclosed or otherwise secured, so as to prevent accident; and any person carrying such lighted Candle, Fire or Firebrand, not secured as aforesaid, shall forfeit and pay a Penalty of Five Shillings for each and every such Offence; and in the event of any Minor or Apprentice so offending, then and in every such case the said Fine or Penalty shall be paid by the Parent, or by the Master, Mistress or Guardian, of such Minor or Apprentice.

Parent or Mas-  
ter responsible  
in such cases.

Regulates the  
erection of  
Stovepipes, &c.

XXI. No Stovepipe shall be passed through any Roof, outside Wall or Window, of any Dwelling-house, Out-house or other Building, within the Town or Common aforesaid, and all Brick Flues shall be at least Four Inches in thickness; and every such Flue springing from or beginning upon any Floor shall be based and erected upon a Stone of at least Four Inches in thickness, which Stone shall project at least Six Inches in every direction beyond the foundation or bottom of such Flue; and no Stove-pipe within any Dwelling-house, Out-house or other Building, in the said Town or Common, shall be passed through or near any Partition of Wood, or of Wood and Lime, or through a Wooden Floor, unless there shall have been left Five Inches clear between the Pipe and the Partition or Floor, and which Pipe shall be surrounded with Stone or Brick (well plastered with Lime), or with a sheet of Tin, Lead or Copper, which shall be nailed or fastened to every such Partition or Floor; and

Close Stoves shall be fixed and set up in such manner as that in all cases there shall be at least Eighteen Inches in every direction, except the bottom, from any Wainscot, Laths or wooden Partition, through or alongside of which the same may be placed, or if at a less distance, then the Wall or Partition shall be well and securely protected by a Sheet of bright Tin or Lead, to the satisfaction of the said Fire Wardens; and any person or persons offending in the Premises, shall incur a penalty not exceeding Twenty Shillings for each and every Offence.

Close Stoves,  
how to be set.

Penalty on persons  
offending  
herein.

XXII. All Stoves now in use, or that may hereafter be used in any Carpenter's, Cooper's, Tanner's, Cabinet-maker's, Block-maker's, Joiner's, Wheelwright's, or any other Workshop, or any Warehouse or Manufactory whatsoever, in *Charlottetown* or the *Common* thereof, shall, before the same are used, and continually thereafter, during the use thereof, be provided with a Hearth or Box lined with Brick, Tin or Sheet Iron, for said Stoves to stand on—said Hearth or Box to extend at least Nine Inches beyond the sides and back, and at least Fifteen Inches beyond the front of the said Stoves, with a Rim all round of not less than Three Inches in height; and any person offending in the premises shall be subject to the Penalty herein last before mentioned.

Regulates mode  
of placing  
Stoves in Work-  
shops, &c.

Penalty on persons  
offending  
herein.

XXIII. In case it shall hereafter appear to any of the Fire Wardens that there is any dangerous Chimney, Stove, Stovepipe or Funnel, in his or their respective Ward or Wards, it shall be the duty of such Fire Warden or Fire Wardens to cause a Meeting of the said Board of Fire Wardens to be called, and report the same; and thereupon it shall and may be lawful for said Board, if it think fit, or a majority

Board of Fire  
Wardens may  
order dangerous  
Chimney, &c.,  
to be altered or  
removed.

Mode of proceeding, if such order be not complied with immediately.

Refusal to admit Fire Wardens, &c., how punished.

Mode of recovery of Penalty.

thereof, to order such dangerous Chimney, Stove, Stovepipe or Funnel to be altered or removed, in such manner as they shall direct; and if such direction shall not be immediately complied with, the Fire Wardens of the District shall cause such removal or alteration to be made at the expense of the Occupants of the Building; and if any person shall refuse admittance to the Fire Wardens, or any of them, while acting under this Section, or shall not make the removal or alteration as directed, he shall forfeit a sum not exceeding Forty Shillings, to be recovered, together with Costs and the expenses of removal or alteration, before any Court of Commissioners for the Recovery of Small Debts, in the name of the Chairman of the said Board of Fire Wardens, and in default of payment, the offender may be imprisoned for a period not exceeding Thirty Days.

Fire Wardens may direct the removal of combustible materials, &c.

Penalty for refusal to admit Fire Wardens.

Mode of recovery of Penalty.

Offender may be imprisoned.

XXIV. If any Two Fire Wardens shall consider it proper to inspect the placing or situation of any Combustible Materials, they may demand admittance into any Building or Place for that purpose, and if they shall deem the same dangerous, they shall direct the Occupant of the Building or Place to remove such Materials or alter the placing thereof; and if he shall neglect to obey them, they may make the removal or alteration at his expense; and if any person shall refuse admission to the Fire Wardens, while acting under this Section, or shall not carry out their orders, he shall forfeit and pay a sum not exceeding Forty Shillings, in addition to the expense of carrying out the direction of the Fire Wardens—to be recovered in the name of the Fire Wardens, or any of them; and if the Penalty and Expenses shall not be paid, with Costs, the Offender may be imprisoned for a period not exceeding Thirty Days.

XXV. No person residing within the said Town or Common shall keep or permit to be kept in any Dwelling-house, Store, Shop, Stable or Outhouse, any greater quantity than Twenty-five pounds' weight of Gunpowder at any one time; nor shall any quantity of Gunpowder be so had or kept, unless the same be contained in a covered Copper, Lead, Tin or Pewter Cannister, or if in a covered wooden Keg or Vessel, such Keg or Vessel shall be secured in a Leathern Bag; and all persons found offending herein, shall incur a Penalty of Two Pounds for each offence; and it shall and may be lawful for any one of Her Majesty's Justices of the Peace, upon information on Oath being made before him of a reasonable ground of suspicion, that any person in *Charlottetown* or *Common* has a greater quantity of Gunpowder than Twenty-five pounds' weight in any place or places, contrary to the true intent and meaning of this Act, to issue a Warrant, directed to any Constable, to search such suspected place or places along with one of the Fire Wardens; and on any greater quantity being found, a Penalty shall be incurred of Two Shillings for every pound weight of Gunpowder so found above the quantity in this Act allowed to be kept: Provided always, that no person shall incur such Penalties for having Gunpowder in his or her keeping, contrary to the intent and meaning of this Act, unless there shall be in *Charlottetown* or *Common*, or in the Suburbs thereof, a Magazine for the reception and security of Gunpowder, to which the public can have access.

What quantity of Gunpowder may be kept in any House, &c.

How to be secured.

Penalty on persons offending herein.

Justice of the Peace may issue Search Warrant.

Penalty for having a larger quantity than 25lbs.

No person to incur Penalty, unless there shall be a Magazine for the reception of Gunpowder.

XXVI. It shall be the duty of the Collector of Impost for *Charlottetown* to furnish to the Chairman of the said Board, Quarterly, in every year, after the passing of this Act, commencing

Return of the quantity of Gunpowder imported to be furnished quarterly.

on the First Day of *July* next, a Return, in Writing, of the quantity of Gunpowder imported by every person into the said Town.

Public Buildings subject to inspection.

XXVII. For the greater safety of *Charlottetown*, the Public Buildings therein shall, in the same manner as other Houses, be liable to the visitation and inspection of the Fire Wardens appointed under this Act, who shall have the same power to cause dangerous Flues, Chimneys, Stoves or Stovepipes, to be pulled down or altered, and Chimneys swept therein, as in other Buildings—the expense thereof to be paid out of the Treasury of this Island; and in the case of such Public Buildings, said Fire Wardens shall make report to the Government, whenever there shall be in their opinion any particular danger of Fire, on account of any Stove or Flue in any such Public Building, or otherwise; and the Keepers or Persons having charge of such Public Buildings are hereby severally enjoined and required to admit such Fire Wardens, and to assist them in making such inspection as aforesaid.

Powers of Fire Wardens, &c.

Fire Wardens to report to Government.

Keepers of Public Buildings to admit Fire Wardens.

Keepers of Public Buildings responsible for Fire Buckets.

XXVIII. The persons in charge of the different Public Buildings in the said Town shall be responsible for and have the care of all Fire Buckets now or hereafter to be provided by the Government, and deposited therein.

Duty of Fire Wardens after fire.

XXIX. Immediately after the occurrence of any Fire in *Charlottetown* or *Common*, it shall be the duty of the said Board of Fire Wardens to make diligent inquiry into the cause or origin thereof, and to make a Report of the circumstances, and of their opinion thereon, and of the origin of the Fire, and the probable amount of loss or damage sustained, to the Government,

within One Calendar Month after such Fire shall have taken place.

XXX. On the discovery of the breaking out of any Fire, an Alarm Drum shall be beat, and the different Church Bells and Fire Bells shall be rung, and all the Inhabitants of the said Town and Common shall be bound to give their assistance to the said Fire Wardens and Justices of the Peace, in arresting the progress of the Fire, or doing any acts which they are required or authorised to do by this Act relating thereto; and if any person or persons shall wantonly and wilfully make any false alarm of Fire, and be thereof convicted on Oath before any Justice of the Peace, such person or persons shall, for such offence, forfeit and pay a sum not exceeding Ten Pounds.

Duties to be performed on breaking out of fire.

Penalty for making false alarm.

XXXI. Upon the occurrence of a Fire in *Charlottetown*, Five or more of the Fire Wardens may direct any Building to be pulled down, if in their Judgment the doing so will tend to prevent the further spreading of the Fire; and if the pulling down of such Building shall have the effect of stopping the Fire, or the Fire shall stop before it comes to the same, the Owner of such Building, and also the Tenant or Occupant thereof, in respect of the value of his leasehold interest therein, or of the amount of Damage which may have been done to his Furniture or other personal Property therein, shall receive payment therefor from the rest of the Owners or Inhabitants of the other Houses in the said Town, which have not been burnt, in manner following—that is to say—The Owner of the Building pulled down, and also the Tenant or Occupant thereof, if he has sustained damage thereby, shall, as soon as may be, make application to the Board of Fire Wardens,

Fire Wardens may direct Buildings to be pulled down.

Owners of such Buildings entitled to compensation.

Mode of obtaining compensation.



Damages to be valued by three indifferent persons.

Assessors to tax owners of unburnt houses for amount of such damages.

Per centage to collector of Assessment.

Rules to be observed by Assessors.

Mode of proceeding, when Land is under Lease, &c., and House was in existence at commencement of Lease, &c.; or

who, if satisfied of the justice of the claim, shall make an Order for a valuation of the Damages so sustained, to be made by three indifferent Persons, and such persons shall be sworn before a Justice of the Peace to the faithful discharge of their duties, and they or any two of them shall make a Return in writing of their proceedings to the said Board of Fire Wardens, who shall thereupon appoint two or more Assessors, not being Fire Wardens of the said Town and Common, who shall Tax and Assess the Owners of Houses in *Charlottetown*, denominated as hereinafter mentioned, which have not been burnt, in such proportions as shall be deemed just, according to the value of their respective Houses, for paying the Damages sustained by the Owner of the Building so pulled down and the Tenant and Occupant thereof as aforesaid, and also the Charges for Valuation, Taxation and Collection, to be settled before the making of the Assessment; but no greater amount of *per centage* to be allowed to any Collector for collecting the Assessment, than may for the time being be allowed to the Collector of the Pump and Well Assessment in *Charlottetown*; and in making such Assessment, the following shall be the Rules for the guidance of the said Assessors in denominating and fixing upon the Owners of Houses in *Chartottetown* meant to be assessed under this Clause, and the parties who shall be liable to pay the same:—Where the Land on which any House in *Charlottetown* is built shall be held or occupied under Lease, then, if at the commencement of the Lease the House was in existence and built on the Land, and consequently let therewith, then the person in receipt of the Rent of the Land and Premises for the time being shall be the Owner, liable to be assessed, and whose Goods and Chattels and Interest in the Land itself shall be liable

for the payment of the Assessment; but if the House has been erected since the date of the Lease by the Lessee or other person claiming under him, then the Lessee or person for the time being entitled to the Term under the Lease, shall be the Owner liable to be assessed, and whose Goods and Chattels and Interest under the Lease shall be liable to be taken: In other cases, the Owner of the Land on which the House stands shall be the Owner liable to be assessed as aforesaid: If any case shall occur, not strictly coming under any of the foregoing Rules, then the Assessors shall use their judgment and discretion, and assess the party who, on consideration of all the circumstances, they shall think in justice should pay the same; and the said Assessors shall be the sole judges of the applicability of the foregoing Rules, and the Assessment so by them made shall be final and conclusive, except when appealed from as hereinafter mentioned; and the said Assessors, after having made their Assessment, shall make a written Report of their proceedings and Assessment, on Oath, to the said Board of Fire Wardens, who shall thereupon make an Order for collecting the Moneys so assessed, and shall appoint a Collector for that purpose, and an Advertisement shall be inserted for Three consecutive Weeks in the *Royal Gazette*, Newspaper, of this Island, calling for the payment of such Assessment forthwith into the hands of such Collector.

where House has been erected subsequently to date of lease, &c.

In all other cases, the owner of the land to be the party liable to be assessed.

Assessors to exercise their own discretion in certain cases, and

be the sole judges of the applicability of Rules, &c.

Assessors to make written report to Fire Wardens.

Board to order collection of Assessment, appoint Collector, &c.

Made of proceeding, in case of neglect to pay Assessment.

XXXII. If any person so assessed shall, within Twenty-one Days after demand made by the Collector, or in case such person be not resident in *Charlottetown*, within Twenty-one days after the first insertion of such Advertisement as aforesaid, refuse or neglect to pay his or her proportion of the Assessment, so deter-

Goods of de-  
faulters irreple-  
viable, &c.

Proceeds of  
sale, how dis-  
posed of.

mined as aforesaid, the Collector shall and may, after the expiration of the said Twenty-one Days, levy the amount of such Assessment on the Goods and Chattels of the defaulter—which Goods shall be irrepleviable, and may be sold at Auction by the Collector, after he has given at least Six Days' Public Notice of such Sale, and the Collector, out of such Sale, shall pay into the hands of the Treasurer of the said Board of Fire Wardens the amount of such Assessment, and the expenses of making the same; and if any amount remain in the hands of such Collector, after paying the sum so assessed, together with the Costs of Seizing, Advertising and Selling the same, and other Incidental Expenses, such amount shall be paid to the Owner or Owners of the Goods and Chattels.

Gives right of  
appeal to per-  
sons assessed.

Duty of Collec-  
tor in case of  
Appeal.

Five Fire War-  
dens to revise  
Assessment ap-  
pealed from,  
&c.

Appellant to be  
notified of the  
meeting of such  
Fire Wardens—  
their decision to  
be final.

Mode of reco-  
very of revised  
Assessment.

XXXIII. Any person so assessed, or his or her Agent, may, within the said periods of Twenty-one Days after demand or insertion of said Advertisement, as the case may be, give to the said Collector a Written Notice of his or her intention to appeal from the said Assessment; and the said Collector shall thereupon notify the said Board of Fire Wardens of every such Notice of Appeal being served upon him, within One Week after the same shall have been served; and the said Board of Fire Wardens shall appoint five of their number to revise the said Assessment so appealed from, who shall appoint a time and place to meet for that purpose, and the Collector shall give the Appellant, in Writing or by Advertisement in the *Royal Gazette*, Newspaper, Ten Days' Notice of the time and place of Meeting of the said Fire Wardens, to revise the said Assessment, and the determination of the said five Fire Wardens, after such Revision, shall be final and conclusive; and in case such Revised Assessment shall not be

paid to the Collector within Twenty Days after such determination thereon of the said five Fire Wardens last mentioned, appointed to revise the same, then the Collector shall and may *ex-officio* levy the same by Distress and Sale of the Goods and Chattels of the Defaulter, as herein before mentioned.

XXXIV. In any case where sufficient Goods and Chattels cannot be found whereon to levy such Assessment or revised Assessment as aforesaid, then it shall and may be lawful for the Chairman of the said Board of Fire Wardens, on application made to him by the Collector, and he is hereby required to award a Precept to the Collector, in the Form in the Schedule to this Act annexed, marked (B), set forth, commanding him to levy upon the Freehold, Leashold or other Estate or Interest, as the case may be, of the person liable to pay the Assessment in arrear, in any Houses or Lands in *Charlottetown* aforesaid, in respect of which the Assessment has been made, and to make Public Sale of such Estate or Interest, after giving Six Months' Notice thereof in the *Royal Gazette*, Newspaper, of this Island, and out of such Sale to pay into the hands of the Treasurer of the said Board of Fire Wardens the amount of such Assessment and Expenses of making the same; and if any amount remains in the hands of the said Collector, after paying the sum so assessed, together with the amount of Expenses incurred for Advertising and Selling the same, and other Incidental Expenses, such Balance or difference shall be paid to the Owner or Owners of the Estate or Interest so assessed and sold; and the said Collector is hereby authorised and directed to make and execute a Deed to the Purchaser or Purchasers at his, her or their expense, of such Estate, whether Freehold, Leasehold, or

Chairman of Board to award a Precept to Collector, in certain cases.

Form of Precept.

Amount remaining after paying Assessment, &c., how disposed of.

Collector to execute Deed to purchaser, &c.

Equity of Re-  
demption.

of any other nature of Interest—which Deed, when so executed and registered, together with the Precept under which the same has been sold, shall be held a good and sufficient Title against the holder or holders thereof, or parties whose Estate or Interest therein has been sold, and all parties claiming under him or them—subject, nevertheless, to the conditions of the original Grant thereof from the Crown: Provided always, that in case of any Real Estate, or any Interest or Estate in Land as aforesaid, being sold under the operation of this Act, an Equity of Redemption shall be nevertheless open to the former Owner, Holder or Proprietor, whose Estate or Interest may have been sold, his Heirs, Executors, Administrators or Assigns, for the space of Two Years next after the sale of such Real Estate or Interest, the Purchaser accounting to the former Owner, Holder or Proprietor, for the Rents, Issues and Profits, and the former Owner, Holder or Proprietor, repaying the Purchase Money and lawful Interest thereon, and allowing for such Improvements as shall or may be made thereon—the same to be ascertained by the judgment of the Board of Fire Wardens for the time being.

Assessment  
Books to be  
open to inspec-  
tion.

Penalty for re-  
fusal to allow  
such inspection.

XXXV. The Book or Books containing the Assessment in which the Pump and Well Assessment in *Charlottetown* is kept and recorded shall be open to the inspection of the said Assessors, so appointed as aforesaid, and also of the said Fire Wardens, or any of them; and if the person in whose legal keeping such Book or Books is or are placed shall refuse to allow such inspection, he shall be liable to a Penalty of Five Pounds, to be recovered before any one of Her Majesty's Justices of the Peace, on the Oath of and in the name of the said Assessors or Fire Wardens, or any of them.

XXXVI. The Owners of Buildings in *Charlottetown* constructed of Stone or Brick, and covered with incombustible Materials, shall be exempted from Assessment in respect thereof, under the Thirty-first Section of this Act; and such Buildings, when covered with combustible Materials, shall be liable to an Assessment upon half the value only.

Owners of certain Buildings exempted from Assessment under 31st Section.

One-half the value thereof to be assessed on such Buildings.

XXXVII. No person, at a Fire, shall break open any Building, or attempt to pull the same down, or order others so to do, unless orders therefor shall have been first given by the Owner of the Building, or as previously in this Act provided for; and any person violating this Provision shall, for every offence, forfeit a sum not exceeding Five Pounds.

Persons breaking open or pulling down buildings, without proper orders, how punished.

XXXVIII. When the amount assessed, or any part thereof, is collected, the Board of Fire Wardens may order payment to be made to the claimant or Claimants of his or their damages, according to the approved Report of the Appraisers, and also the payment of the Charges herein before mentioned; but if the Building pulled down shall be the Building where the Fire began, or if any other Building shall be pulled down, or be begun to be pulled down, which shall be dangerously on Fire at the time the Orders are given for pulling the same down, or which shall take fire to such an extent as to make it appear very probable that whether such House had been pulled down or not it would have been totally destroyed while such Orders are being carried into execution, the Owner, Tenant or Occupant of such Building shall not be entitled to any compensation therefor: Provided also, that whatever sums of Money may be recovered under any Policy of Insurance effected upon any House or Building pulled down

Payment of damages, &c., how made.

Parties not entitled to compensation.

Amount secured under any Policy of Insurance to be deducted.

by the authority of the Thirty-first Section of this Act, or on the Furniture or other Personal Property therein as aforesaid, shall be deducted from the amount which may be awarded by the Appraisers to the Owner, or to the Tenant or Occupant respectively, as the case may be, as aforesaid; or if the whole value of any House or other Premises so pulled down, or the whole value of the Furniture or other Personal Property therein, as aforesaid, be Insured, and the same be recovered, then the Owner or Owners of the House, or the Owner, Tenant or Occupant thereof, in respect of his Furniture or other Personal Property destroyed therein, respectively, as the case may be, shall not be entitled to any compensation whatever, under and by virtue of the Provisions of the Thirty-first Section, or any other part of this Act.

Or if the whole value of Building, &c., be recovered, owner entitled to no compensation whatever.

**XXXIX.** If any of the said persons to be nominated "Appraisers" or "Assessors," as aforesaid, shall refuse to serve in their respective Offices, each person so refusing shall forfeit and pay the sum of Forty Shillings, and another may be nominated in his place.

Collector of Assessment to account with Treasurer.

**XL.** The person or persons appointed to collect the Assessment aforesaid shall, at any time within Ten Days after being called upon so to do by the Treasurer of the said Board of FireWardens, account with and pay into the hands of the Treasurer all sum or sums of Money as he or they may have received; and upon his or their neglect or refusal to account for and pay in the same as aforesaid, such person or persons shall and may be prosecuted by the said Treasurer for the time being, by Bill, Plaint or Information, in the Supreme Court of Judicature, and independant of and in addition to any amount he may have in his hands, shall forfeit

Neglect, how punished.

and pay a Fine not exceeding Forty Pounds; and any such Collector so appointed as aforesaid, not complying with any of his other duties, as herein before set forth, shall forfeit and pay a Fine not exceeding Ten Pounds for each offence.

Penalty in such cases.

Further Penalty.

XLI. Notwithstanding any thing in this Act contained, no Public Buildings in *Charlottetown* aforesaid shall be assessed under or by virtue of this Act.

No public Building to be assessed.

XLII. All Fines and Penalties hereby imposed, save and except those mentioned in the Fourth and Eighteenth Sections of this Act, unless otherwise herein before provided for, shall be recovered with Costs in the name of and by the Chairman of the said Board, on the Oath of the said Chairman, or on the Oath of any other credible Witness, before any two of Her Majesty's Justices of the Peace for the said County, and be levied by Warrant of Distress on the Goods and Chattels of the Offender or Offenders; and all such Fines and Penalties—save and except those mentioned in the Fourth Section of this Act—shall be paid into the hands of the Treasurer of the said Board, to be expended by the said Board in providing such Implements as may be necessary to be used at Fires, or for the better prevention of Fires in *Charlottetown* and the *Common* thereof.

Fines and Penalties, how recovered.

Mode of appropriation of such Fines, &c.

XLIII. The word "Fire Wardens," when used in this Act, shall include one or more of them, unless otherwise expressed or repugnant to the context; and words purporting to give a joint authority to the said "Fire Wardens" or "Board of Fire Wardens," or to the said "Appraisers" or "Assessors," shall be

Meaning of the word Fire Wardens, &c.



construed as giving authority to a majority of them respectively.

### Schedules to which this Act refers.

#### SCHEDULE (A.)

##### FIRE WARDS AND DISTRICTS.

Fire Wards or  
Districts.

No. 1—All North of Grafton-street, and East of Weymouth-street.

No. 2—All South of Grafton-street, and East of Weymouth-street.

No. 3—From the East side of Hillsborough-street, to the Western side of Weymouth-street, both inclusive.

No. 4—From the East side of Prince-street to the Western side of Hillsborough-street, both inclusive.

No. 5—All South of Queen's Square, and Public Buildings thereon.

No. 6—All North of Queen's Square.

No. 7—North of Grafton-street and West of Queen's-street, and Common Lot, No. 18.

No. 8—South of Grafton-street and West of Queen's-street.

No. 9—All *Charlottetown Common*—except Lot No. 18.

#### SCHEDULE (B.)

FORM OF PRECEPT TO COLLECTOR TO SELL REAL ESTATE  
AND INTEREST IN LANDS, &C.

*Prince Edward Island,* }  
to wit: }

To *A. B.*, Collector, appointed under the Act of the Fifteenth Year of Queen *Victoria*, intituled—[Here insert the Title of this Act]—Greeting:

Precept to sell  
Real Estate,  
&c.

WHEREAS an Assessment, under the Provisions of the said Act, has been made on *C. D.* [Name of the person assessed] in respect of [Here describe the Property in respect of which Assessment was made], situate in *Charlottetown*, he [or she or they]—claiming to have or having [here state, shortly, the nature and extent of his, her or their Estate or Interest in the Property], or some other Right, Title, Interest or Estate therein; and the said Assessment, together with the Costs, amounts to the sum of \_\_\_\_\_ Currency; and the Notice required by Law having been duly given, and the

Amount of said Assessment and Costs remaining still unpaid : These are, therefore, to require and authorise you, the said Collector, to take all the Right, Title, Interest and Estate of the said *C. D.*, in and to the Lands and Premises aforesaid, of whatsoever nature or kind, whether Freehold, Leasehold or of any other nature or kind, or so much thereof as will satisfy the said Assessment and Costs, and the same to advertize and sell and dispose of according to Law ; and you are to make due Return to this Precept unto me, and also have the Money ready, as directed by the said Act.

Given under my Hand and Seal, this       day of  
in the Year of our Lord One thousand eight hun-  
dred and       , and in the       Year of the Reign  
of Her present Majesty.

(Signed) *E. F.*       { SEAL. }

Chairman of Board of  
Fire Wardens, constituted  
under the said Act.

## CAP. XXXVIII.

### An ACT to Incorporate a Temperance Hall Company in *Charlottetown*.

[April 3, 1852.]

**W**HEREAS a Temperance Hall has been erected in *Charlottetown*, which will be of great public advantage, inasmuch as it will afford accommodation for holding Public Meetings convened for moral and useful purposes : And whereas the several Persons hereinafter named, and others, have entered into a Subscription, to raise in Shares the Sum requisite as a Joint Stock or Fund for that purpose :

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That *John Orlebar, James Peake, Charles Young, Henry Haszard, Albert H. Yates, James Yeo, Thomas Williams, Christopher Cross, William MacKay*, and all and every such Person or Persons as shall from time to time become Proprietors of

Incorporates  
certain parties  
as a Temper-  
ance Hall Com-  
pany.

Name.

Shares in the Company and Undertaking hereby established, and their respective Successors, Executors, Administrators and Assigns, shall be and they are hereby declared to be a Body Politic and Corporate, by the Name of "The Charlottetown Temperance Hall Company," and by that Name shall have a perpetual succession and a common Seal, and by that Name shall and may sue and be sued, plead or be impleaded, in all Courts of Law or Equity within this Island.

Company may purchase and hold Lands, &c. and make such Bye-laws, &c., as may be required.

II. That the said Company shall and may take, purchase and hold any Lands, Houses, Tenements and Hereditaments, in Fee Simple or otherwise, and also Rents, Moneys, Securities for Moneys, Goods and Chattels, and shall and may Demise and Let, Sell and Convey or Mortgage the same, or any part thereof, subject to the restrictions hereinafter mentioned, and do and execute all other things in and about the same which may be necessary and proper for the benefit of the said Company, and shall have full power and authority to make and establish such Bye-laws and Ordinances as may from time to time be required, and to alter or amend the same; Provided such Bye-laws and Ordinances be not contradictory or repugnant to the Laws and Statutes of this Island.

Limits amount of Real Estate, to be held by said Company.

III. Provided always, That the said Company shall not hold and possess at any one time Real Estate to a greater value than Five Thousand Pounds.

Capital of Company to be divided into shares of £20 each.

IV. That the Capital of the said Company shall be divided into Shares of Twenty Pounds each Share, and such Shares shall be assignable and transferable in such manner and upon such terms as by the said Bye-laws may be provided and directed; and that, notwithstanding any

Real Estate which the said Company may hold at any time, the Shares and Interest of the several Shareholders of and in the Capital Stock and Funds of the said Company shall be held and deemed to be Personal Property, to all intents and purposes.

Shares and interest of Shareholders deemed personal property.

V. That the several Persons who now are or hereafter may become Subscribers towards the said undertaking shall and they are hereby required to pay the Sums of Money by them respectively subscribed in such proportion, and at such time and places as shall be directed by the said Bye-laws; and in case any person shall neglect or refuse to pay the same at the time and in the manner required for that purpose, it shall be lawful for the said Company to sue for and recover the same in any Court of competent Jurisdiction: Provided always, that it shall not be lawful for the said Company to call for or require any Shareholder in the said Company to contribute or pay any larger Sum than the amount of the Share or Shares held by him as aforesaid.

Payments of subscriptions, how to be made.

Mode of procedure, in case of neglect to pay the same.

VI. That the Joint Property or Stock of the said Company shall be alone liable for its Debts or Engagements, and that no Proprietor or Shareholder in the said Company shall be or become responsible, chargeable or accountable, by any ways or means, for any other or greater Sum of Money than the amount of the Shares which he shall actually and *bona fide* possess or be entitled to in the Capital or Joint Stock of the said Corporation.

Joint Property of Company alone liable for its Debts.

VII. That all such Lands and Real Estate as the said Company may hold at any time, or so much thereof as may be necessary to satisfy any Writ of Execution issued upon any Judgment

Lands, &c., of Company may be taken and sold in the same manner as lands

of private individuals.

obtained against the said Company, shall and may be taken upon such Writ, and sold in the same manner and with like Notices, Proceedings and Equity of Redemption as the Lands of private Persons may be taken, levied on and sold according to Law; and the Sheriff shall, immediately after such Sale, make and execute a Deed to the Purchaser, which Deed shall convey and transfer all the Estate and Interest of the said Corporation in the Lands so taken, sold and conveyed.

Annual Meeting of Company when held, &c.

VIII. That the General Annual Meeting of the said Company shall be held on the First *Monday of January* in every year, after this present year, at some convenient place in the Town of *Charlottetown*, to be appointed and duly notified to the Company by the Board of Directors; and that Special Meetings of the Company shall be summoned by the Directors when they shall deem the same necessary, or whenever a Requisition in writing therefor shall be delivered to the Board, signed by Ten Shareholders, and specifying the object of such Meeting: Provided always, that at least Ten days' Notice of such Special Meeting, and of the object thereof, shall be given in some Two of the Public Newspapers published at *Charlottetown* aforesaid; and that all such General or Special Meetings may be adjourned from time to time, and from place to place, as may be found expedient.

Special Meetings how summoned.

10 days' Notice of Special Meetings to be given.

General or Special Meetings may be adjourned from time to time.

Mode of voting at Annual or Special Meetings.

IX. That at any Annual or Special Meeting of the Company each Proprietor or Shareholder having paid up all calls upon him made and then due and payable, shall be entitled to vote as follows, namely:—The Owner of One Share to have One Vote, the Owner of Two Shares to have Two Votes, and the Owner of Five Shares

or a greater number of Shares, to have Three Votes, and no more; and the said Proprietor may give such Vote or Votes by his proxy in writing duly constituted, according to the Byelaws, such proxy being a Shareholder and entitled to vote—and every such Vote by proxy shall be as good and sufficient to all intents and purposes as if such Principal had voted in person; and at every Meeting of the Board of Directors, each Director shall have One Vote only; and every question, matter or thing, which shall be considered or discussed at any Meeting of the Board of Directors, shall be determined by the majority of Votes then given by the Directors then present; and in case it should so happen that at any General or Special Meeting of the Board of Directors the Votes shall be equal, then the President of the Company, or, in his absence, the Chairman of the Meeting or of the Board, shall be entitled to a casting Vote in addition to his own personal Vote.

Proprietors of shares may vote by proxy.

Mode of voting of Directors.

In case of a tie, President, &c., entitled to a casting vote.

X. That as soon after the passing of this Act as may be convenient and deemed expedient, the said Nine Persons first named in this Act, or any Three of them, shall, by Public Advertisement, to be printed in at least Two of the Newspapers in *Charlottetown* during Ten days, appoint a day and place for the first General Meeting of the Subscribers, and shall assemble such Meeting; and a Chairman thereof being chosen from among the Subscribers present, with a Secretary, the Company hereby incorporated shall be formed and organized, and go into operation under this Act; and the said Subscribers then and there present, or their proxies, shall and may forthwith, in the manner prescribed, proceed to elect Seven Directors, (One of whom shall be chosen by the said

First General Meeting how convened.

Company shall organize by appointing Chairman and Secretary.

Seven Directors (one of whom

shall be President) and a Secretary shall be thereupon elected by the Subscribers.

Directors, &c., to hold Office until first Annual Meeting thereafter.

Persons eligible to Office.

Directors by Ballot as President,) and a Secretary; and the said Directors and Secretary so to be elected shall hold, exercise, and enjoy and retain their respective Offices from the day of such their Election until the first Annual General Meeting thereafter, and thence continually until a new choice of Officers be made by the Company, pursuant to this Act and the Bye-laws of the said Company: Provided always, that no Person shall, at the said Meeting or any subsequent Meeting at which Officers shall be elected, be deemed eligible to Office, unless such Person shall be at the time of such Election of Officers a Shareholder of said Company; and provided that the majority of the said Officers shall be Members of some Temperance Society in the said Island.

Mode of electing Directors.

XI. That at the General Annual Meeting of the Company in each year the Directors of the said Company for the ensuing year shall be elected by Ballot, in the following manner, namely:—The Shareholders shall first elect Three Directors out of the Seven who have served for the preceding year, provided they shall be willing again to accept Office, and shall then elect Four others from the Shareholders of the Company indiscriminately; and if all or any of the retiring Directors shall refuse to be re-elected, the said Shareholders shall proceed to the Election of others of the Company, until the full number of Directors be completed.

Contractor under Company not to be chosen Director.

No Director to take any Contract under Company.

XII. Provided always, That no Person concerned or interested in any Contract under the said Company shall be capable of being chosen, or, if chosen, of continuing a Director of the said Company; and no Person, during the time he shall be such Director, shall be capable of taking any Contract under the said Company.

XIII. When and so often as any Director named or elected by virtue of this Act shall die, or shall resign, or shall become disqualified or incompetent to act as such Director, before his term of Office shall have expired, it shall be lawful for the remaining Directors to elect some other Proprietor, duly qualified to fill up such vacancy.

Vacancies in  
Directorship  
how filled up.

XIV. If from neglect or any other cause the said Annual General Meeting should not be held, the Directors last chosen shall continue to act, and have the same powers that they had and were possessed of, until the next Annual General Meeting, or until new Directors shall be chosen or appointed as aforesaid.

Directors to  
continue in Of-  
fice until suc-  
cessors are  
chosen.

XV. The Directors who shall first be chosen under the provisions of this Act shall, with all convenient speed, proceed to draw up a code of Bye-laws, Rules and Regulations, for the government of the said Company and the conduct and management of its affairs and business, and shall submit the same, to be altered, amended and confirmed by a Committee selected and appointed at the first General or some other Meeting of the said Company to superintend the same; and it shall be lawful for the said Company, from time to time, and as often as may be deemed necessary for the purpose of carrying on the business of the said Corporation, to sell further Shares therein; and every Purchaser of such Shares shall be entitled to all the privileges and advantages of other Shareholders in the said Company.

Directors first  
chosen to draw  
up Bye-laws, &c.

Bye-laws, &c.,  
may be amend-  
ed by Commit-  
tee appointed  
at General  
Meeting.

Further Shares  
in Company  
may be sold;—  
Purchasers to  
be entitled to  
same privileges  
as other Share-  
holders.

XVI. The Directors of the said Corporation shall be authorized and empowered at any time, by and with the assent of Two-thirds of the Shareholders, to be given in writing at

Directors may  
be empowered  
to mortgage or  
sell Property of  
Corporation.



any General or Special Meeting, regularly convened, and not otherwise, to borrow on Mortgage of the Property belonging to the said Corporation, such sums of Money as may be required for the uses thereof, or absolutely to sell and dispose of the Real Estate and Property of the said Company, if deemed expedient; and the said Directors are hereby authorised to convey in Mortgage any Lands or Real Estate of the said Corporation, for the purpose of securing the Moneys so to be borrowed as aforesaid; or in case of an absolute sale of the said Real Estate, or any part thereof, to grant and convey the same, and to make the necessary Deeds and Conveyances for that purpose.

Prohibits Company from dealing in the lending of Money, &c.

XVII. Provided always, That nothing herein contained shall be held or construed to give the said Company the privilege of dealing in the lending of Money by way of Discount or otherwise, or of engaging in any Banking operation whatsoever, or to effect any Insurance upon any Ship or Vessel, or Marine risk, or upon any loss by Fire, or upon any Life or Lives.

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## CAP. XXXIX.

An ACT to incorporate the Grand Division and Subordinate Divisions of the Order of the Sons of Temperance in *Prince Edward Island*.

[April 3, 1852.]

WHEREAS certain persons have associated themselves in this Island, under the Names of the "Grand Division" and "Subordinate Divisions of the Sons of Temperance" in

*Prince Edward Island*; and whereas, in addition to the moral objects which that Association has in view, they are associated for the purpose of establishing a Fund for the mutual assistance and benefit of the Members thereof, and of their Families, in case of sickness, disability or death; and whereas, for the purpose of managing the pecuniary affairs of the said Association, it is desirable that the said Order of Sons of Temperance should be protected by an Act of Incorporation: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows:—

I. The Honorable *Charles Young, John Arbuckle, the Reverend David W. Fitzgerald, James Barrett Cooper, Peter Desbrisay, John William Morrison, the Reverend Silas Tertius Rand, William Benjamin Dawson, William MacKay, William Sanderson and William Reid*, Members of the Grand Division of the Order of the Sons of Temperance of *Prince Edward Island*, and their Successors, and such and so many other persons and parties as have become or shall become Members thereof, shall be and are hereby constituted a Body Politic and Corporate, by the name of the “The Grand Division of the Order of the Sons of Temperance of *Prince Edward Island*,” and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts of Law or Equity whatsoever, and shall have uninterrupted succession and a common Seal, which may by them be changed or varied at their pleasure.

Incorporates certain parties as the Grand Division of the Sons of Temperance.

Name.

Corporation may sue and be sued, &c.

II. It shall be lawful for the said Corporation to acquire and hold Land, and immovable or Real and Personal Property: Provided, that the Real Estate to be held by the said Grand Divi-

May hold Personal and Real Estate, the latter not to exceed in value £2000.

May dispose of  
such Property  
as they may see  
fit.

sion shall at no time exceed in value the sum of Two thousand Pounds; and it shall be lawful for the said Corporation to sell, lease, or otherwise dispose of the said Property and Estate as they may see fit.

Corporation may  
appoint Mem-  
bers to manage  
Funds, demand  
and take Secu-  
rity, &c.

III. It shall and may be lawful for the said Corporation to appoint such Members thereof as they may think proper, in such manner as they may by their Bye-laws provide, for the purpose of managing the Funds and Property of the said Corporation, and to revoke such appointments, and substitute others in their places, as they may think expedient, and to demand and accept such Security as they may from time to time deem proper, from such parties or from any other Officers appointed by the said Corporation, for the performance of their respective duties, and to make, ordain and put in execution all such Bye-laws and Rules as they may think necessary for the purposes aforesaid, not inconsistent with the Laws of this Island.

Subordinate Di-  
visions, how in-  
corporated.

IV. Each Subordinate Division of the Order of the Sons of Temperance now instituted or which may hereafter become instituted within *Prince Edward Island* may, in the manner hereinafter specified, be and become a Body Politic and Corporate, by the name, number and place of location by which it is or may be designated in the said Order; and that each Subordinate Division, upon so becoming incorporated, shall have all the powers and privileges conferred upon the Grand Division of the Sons of Temperance by the First Section of this Act, for the sole purpose of managing their Real and Personal Estate: Provided, that the Real Estate to be held by such Subordinate Di-

Their powers.

Real Estate not  
to exceed in  
value £1000.

vision shall in no case exceed the value of One thousand Pounds.

V. Each Subordinate Division which may be desirous of becoming incorporated shall and may, by a Vote of Two-thirds of its Members, present at any regular Meeting (of the intention to propose which Vote, Two Weeks' Notice at least shall be given in regular Meeting of such Subordinate Division, by some Member thereof, in writing), decide to become so incorporated; and upon a Copy of the Vote of such decision, specifying the name, number and place of location of such Division, and the names of not less than ten of the Members of such Subordinate Division, under the Seal of the said Subordinate Division, and its Presiding Officer and Recording Scribe, together with a Certificate of the Grand Division under its Corporate Seal, and the Signature of its Presiding Officer and Scribe, that such Subordinate Division is in full standing in the Order, being filed in the Office of the Registrar of Deeds and Keeper of Plans of the said Island, the Members of such Subordinate Division whose names may be included in such Vote as aforesaid, and their associates and successors, Members of such Subordinate Division, shall be and become, from the time of filing such Certificate as aforesaid with such Registrar, a Body Politic and Corporate as aforesaid, by the style or name, number and place of location of such Subordinate Division.

Mode of proceeding, to incorporate Subordinate Divisions.

Copy of decision of Division, &c., to be filed in Registrar's Office.

VI. It shall and may be lawful for the Trustee or Trustees of each Subordinate Division so incorporated, and he or they are hereby empowered from time to time, by and with the consent of such Subordinate Division, to be testified in such manner as may be directed by

Capital of Subordinate Divisions, how invested.

Trustees may  
sell Real Es-  
tate, &c.

their Bye-laws, to lay out and invest all such sum and sums of Money as shall from time to time be collected, and not required for the immediate exigencies of such Subordinate Division, in Real Estate or on Mortgage, or in public or other Stock or Funds, or in such other manner as such Subordinate Division may deem best; and from time to time, with the like consent, to alter, sell and transfer such Securities, Real Estate or Funds respectively, and otherwise to re-invest or dispose of the same; and the Certificate, Bill of Sale, Deed or other Instrument of Transfer, Sale or Discharge of such Estate, or Fund or Security, shall be made under the Seal of such Subordinate Division, and signed by the Trustee or Trustees and Presiding Officer of such Subordinate Division; and all such Investments shall be made, and Securities taken, and Sales and Transfers made, in the Corporate name and capacity of such Subordinate Division.

Trustees may  
be required to  
give Bond for  
the faithful per-  
formance of  
their duties.

VII. It shall and may be lawful for such Subordinate Division, when so incorporated, to receive from the Trustee or Trustees, from time to time, in their Corporate Name, sufficient Security, by Bond, with one or more Surety or Sureties, or otherwise, as such Subordinate Division may deem expedient, for the faithful performance of his or their duties as such, and that he or they will well and truly account for, and pay and invest, from time to time, all such sums of Money, Funds or other Property, as may come to his or their hands, or under his or their controul, belonging to the said Subordinate Division, as directed by the said Subordinate Division.

Interest of  
Members in

VIII. No Member of any Subordinate Division, so incorporated, shall have any power

to assign or transfer to any person or persons whomsoever any interest which he may have to or in the Funds or Property of such Subordinate Division, but the same shall at all times be and remain under the controul of such Subordinate Division ; and no Property or Stock of any kind belonging to such incorporated Subordinate Division shall be subject to the payment of the Private Debts of any of its Members, nor be liable to be taken in Execution by any Judgment-Creditor against any Individual Member of such Subordinate Division.

Property not transferable.

Property not liable for the private Debts of Members.

IX. The Property of each of the Subordinate Divisions, when incorporated, shall alone be held responsible for the Debts and Engagements of the Subordinate Divisions owning such Property.

Property responsible for Debts of Divisions.

X. Upon the dissolution of any Subordinate Division, so incorporated, the Property held by it at the time of such Dissolution, after the payment of the Debts and Engagements of such Subordinate Division, shall be disposed of, sold or conveyed in such manner as the Members present at any regular Meeting, when such Dissolution shall have been determined upon by a Two-third vote, may direct ; and in case no disposition of the Funds and Property of such Subordinate Division shall be made, then all such Funds and property as such Subordinate Division may be possessed of at the time of such Dissolution, shall be *ipso facto* vested in the Grand Division aforesaid, to be by such Grand Division applied, first to the Debts or Liabilities of such dissolved Subordinate Division, and the balance, if any, in such manner as the said Grand Division may deem best for the general interests of the Order in *Prince Edward Island*.

Dissolution of Divisions and disposal of Property.

No disposition of Property being made, previous to dissolution, such Property to vest in the Grand Division.

Subordinate  
Divisions un-  
able to meet  
engagements,  
Grand Division  
to take posses-  
sion of Proper-  
ty, &c.

Liabilities and  
powers of Grand  
Division with  
respect to such  
Property.

XI. If, at any time hereafter, any one or more of the Subordinate Divisions shall become so far involved as to be unable to meet its engagements, then and in such case it shall and may be lawful for the said Grand Division to enter into and upon, and take possession of the said Property, both Real and Personal, of which the said Subordinate Division, becoming so involved, shall be possessed; and the same, and all Debts owing to the said Subordinate Division, and all Liens and Securities therefor, and all the said right of action of the said Corporation, for any Goods or Estate, Real or Personal, shall thenceforth and thereafter be and become vested in the Members, Trustees or Officers appointed for the purpose of managing the Real and Personal Estates and Effects of the said Grand Division and their Successors and Assigns; and upon so entering and taking possession of the said Estates and Effects of the said Subordinate Division, the said Grand Division, so far as the said Property shall extend, shall be and become liable for and subject to all Debts and liabilities contracted by such Subordinate Division in its Corporate capacity; and shall and may thenceforth substitute the names or name of such Trustees or Officers as aforesaid, for the time being, and of their Successors in all Actions then pending, and in their own names or name, bring and prosecute all such Actions or Action, Suits or Suit, as the said Subordinate Division might otherwise have done, and may give such releases and such discharges as might have been given by the said Subordinate Division, and may sell and convey all such Property, both real and personal, as the said Subordinate Division was possessed of or was entitled to at the time of such insolvency, and may give all such Deeds as may be

necessary for the proper conveyance of the same.

XII. This Act shall continue in force for the period of Ten Years from the time of the passing thereof.

Limitation of Act.

## CAP. XL.

An ACT to amend an Act relating to Statute Labour for *Charlottetown*, its Common and Royalty, and also to Nuisances in and about the same.

[April 3, 1852.]

**W**HEREAS the mode of recovering Rates and Duties levied under the authority of the above recited Act, together with the Dog Tax and certain Penalties therein, in certain cases directed to be imposed and levied before any Court of Commissioners of Small Debts, has been found inconvenient :

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act it shall and may be lawful to recover such Rates, Taxes, Forfeitures and Penalties, before the Justices appointed to order and direct the performance of Statute Labour, appointed under the authority of the above recited Act.

Alters mode of recovery of Rates, &c., imposed under Act, 12 Vic., c. 11.

II. And be it enacted, That the said Justices shall hold, hereafter, in every year, Two Special Meetings—the one on the Fourteenth day of *June*, and the other on the Fourteenth day of *August*—in each year, or on the next following days, whenever either of the same shall fall on

Two Special Meetings to be held in every year, to issue Summonses, &c.



a Sunday, for the purpose of issuing Summonses against all persons who shall be reported at such Meetings to have neglected to pay such Rates and Taxes, and any accumulation thereon, liable to be paid by such Persons, under the authority of the above recited Act.

Additional Meetings may be held for such purposes.

III. And be it enacted, That nevertheless the said Justices may for such purposes hold any other or additional Meetings as they may see fit, or issue Summonses at any Meeting not held for such special purpose.

Requisites of Summons.

Notice to be given to party summoned.

IV. And be it enacted, That such Summonses so to be issued shall require the appearance of all parties against whom they may be issued, at such time and place as therein may be appointed—provided that not less than Eight Days' Notice of such required appearance be therein given, to be computed from the time of serving the same.

Parties not appearing, no bar to adjudication.

V. And be it enacted, That in default of Parties appearing to such Summons, the said Justices may proceed to adjudicate thereon.

Warrant of Distress may be issued and parties committed to Prison, in certain cases.

VI. And be it enacted, That the said Justices may, in case such Sums as they shall adjudge to be due by such Person so summoned, together with the Costs, shall remain unpaid after such time as they may for that purpose appoint, issue their Warrant of Distress, under the hand of the Chairman, or any other presiding Justice in his absence, against the Goods and Chattels of such Person; and in case no Goods and Chattels can be found to satisfy the same, it shall be lawful for the Person to whom such Warrant of Distress shall be entrusted to convey the said Person to the Jail of *Charlottetown*, there to remain for a period in proportion to the amount

Period of confinement.

due thereon, together with all lawful expenses, in the same manner and for the like period as persons confined under any Process issued or to be issued under the authority of any Act for the Recovery of Small Debts at the time in force and effect.

VII. And be it enacted, That any Person deeming himself or herself aggrieved by any Order or Judgment of the said Justices shall be entitled to appeal from any such Order or Judgment unto Her Majesty's Supreme Court of Judicature for the County of Queen's County, upon applying for the same within the time prescribed, or hereafter to be prescribed, for the allowance of an Appeal under any Act relating to the Collection of Small Debts, in force at the time in the said County, to the Chairman for the time being of the said Justices, on making an Affidavit, and on giving security to such Chairman for the due prosecution of such Appeal, in the way and in the manner regulated or to be regulated by any such Small Debt Act; and the Appellant shall also give the like notice of Appeal, in form and time, as shall be required by any such Small Debt Act; and he and his Sureties in such Appeal shall be liable for any Judgment and Costs of the said Supreme Court, in any such Appeal, in the same way and manner as any Appellant and his Sureties shall be liable by any such Small Debt Act then in force; and the said Supreme Court shall have the same power and authority in dealing with any such Appeal as it shall have in Appeals arising under any such Small Debt Act; and the said Chairman shall be entitled to have and receive from any such Appellant the same Fees for granting such Appeal as the Clerk of Small Debt Courts shall be entitled to for similar services, under any Small Debt Act then in force as aforesaid—

Reserves right of appeal to aggrieved party.

Formalities to be observed.

Notice of appeal to be given.

Appellant liable to Costs.

Power of Supreme Court in such cases.

Fees to be taken by Chairman.

Fees, how applied.

which Fees shall by the said Chairman be accounted for and paid over to the said Justices, and shall be by them appropriated towards keeping in repair the Streets, Roads and Bridges under their controul and superintendence.

Persons causing obstructions at or off the end of any street, liable to a Penalty.

VIII. Every Person who shall place or cause to be placed any Boom, Timber, Lumber, Wood or other Material in the water or upon the shore of the River, at or off the end of any of the Public Streets in *Charlottetown*, so as to obstruct in any manner free access from the said River to the said Town or Streets thereof, shall forfeit and pay to Her Majesty, for each and every offence, a Fine in any sum not exceeding Seven Pounds, in the discretion of the said Justices.

Duties of persons appointed to remove obstructions, under 12 Vic., c. 11, s. 86.

Penalty on failure to perform such duties.

IX. It shall be the duty of the Persons appointed to remove Nuisances and Obstructions from off the Streets, Highways and Squares within *Charlottetown*, its Common and Royalty, under the Thirty-sixth Section of the said Act of the Twelfth *Victoria*, Chapter Eleven, and they are hereby authorised and required, strictly to enforce the last preceding Section of this Act within their respective Districts or Precincts, and to remove or cause to be removed all such Obstructions as aforesaid, and to prosecute for the Fine and Penalty aforesaid all Persons who shall or may place or cause the same to be placed in such situations; and any Person, so appointed as aforesaid, who shall fail in the due performance of the duties hereby enjoined upon him, shall forfeit and pay to Her Majesty, for each and every offence therein, a Sum or Fine not exceeding Five Pounds, in the discretion of the Court—which Fine, and also the Fine imposed in the last preceding Clause of this Act, shall be recoverable in the same manner as the Fines and Penalties in other cases imposed by the said

Act of the Twelfth *Victoria*, Chapter Eleven,  
are herein before made recoverable.

X. Poplar Island Bridge, and the Highway from thence to *Charlottetown* Royalty, shall be deemed to be part of the said Royalty, for all purposes of this and the several Acts of Assembly relating to the repairs of Highways, or to the removal of Nuisances therefrom, or to any Punishment or Penalties inflicted upon Persons causing any Nuisance thereupon.

Poplar Island Bridge, &c., to be deemed part of *Charlotte-town* Royalty.

XI. The Justices of the Peace having the direction of the performance of Statute Labour for the said Town and Royalty shall and may appoint, revoke, displace, and as often as necessary further appoint any fit Person to collect Wharfage Rates at said Bridge, whose duty it shall be to take and receive from the Owners or Masters of all Vessels moored or made fast to such Bridge the sum of Three Shillings per Day (*Sundays* excepted), during the time while so moored or fastened, and to demand and receive from each and every such Owner or Master the amount of all Damage or Injury by them respectively done to the said Bridge; and in case of refusal of any such Master or Owner to pay the Wharfage Rate or Damage, then it shall be lawful for such Person so to be appointed as aforesaid to sue for and recover the same, with Costs, before any Justice of the Peace or Court of Commissioners for the Recovery of Small Debts in *Charlottetown*, by *Capias* or otherwise; and the amount of such Judgment and Costs shall be levied by Warrant of Distress and Sale of the Materials of the Vessel—one-half of such Rate and Amount to be paid to such Person so to be appointed, and the other half to the Justices of the Peace having the direction

Justices may appoint or displace Wharfinger for said Bridge.

Duty of Wharfinger.

Master of Vessel refusing to pay Wharfage, &c., how proceeded against.

Judgment and Costs, how levied.

Wharfage, &c., how appropriated.

of the performance of Statute Labour, to be expended for the repairs of the said Bridge.

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## CAP. XLI.

An ACT to prevent the going at large of Swine and Geese at all Seasons and of Horses at certain Seasons of the Year, in the Square and Streets of *Georgetown*.

[April 3, 1852.]

WHEREAS it is deemed necessary to prevent Horses, Swine and Geese, from being at large within the Town of *Georgetown*: Be it enacted, by the Lieutenant Governor, Council and Assembly, as follows:—

Senior Magistrate to appoint four persons to take up Swine and Geese going at large.

I. It shall and may be lawful for the senior Magistrate for the time being, resident in *Georgetown*, and he is hereby required to appoint four fit and proper persons, on or before the First Day of *May* next, and on or before the First Day of *April* in each succeeding year, and whose duty it shall be to seize and take up any Swine or Geese going at large beyond the Premises or Enclosures of the Owner or Owners, within the said Town; and on receiving information of such Swine or Geese going at large as aforesaid, and on the same being shewn to any or either of the said persons so appointed, it shall and may be lawful for any of the said persons to seize and take up, or cause to be taken up, all Swine and Geese found at large in *Georgetown*, and to sell and dispose of the same at Public Auction; and all persons obstructing in any manner whatsoever any of the said persons in the execution of their duty shall forfeit and pay a Fine not exceeding One Pound and

Penalty for obstructing such persons in the execution of their duty.

not less than Five Shillings, to be recovered before any one or more of Her Majesty's Justices of the Peace, to be levied on the Offender or Offenders' Goods and Chattels by Warrant of Distress; and in the event of the Offender or Offenders not having Goods and Chattels whereon to levy the said Fine, then the Justice or Justices of the Peace for the said Town is or are hereby authorised and empowered to commit the said Offender or Offenders to the Jail, for a space not exceeding Fourteen Days, nor less than Four Days.

II. If the aforesaid persons or any of them, so to be appointed within the said Town, shall neglect or refuse to perform the duties of the said Office, in manner herein before prescribed, every Reeve so neglecting or refusing to perform such duty shall forfeit and pay a sum not exceeding Twenty Shillings, nor less than Five Shillings, to be recovered in manner aforesaid—one-half of said Fine to be paid to the Assessors of the Town for the time being, and by them applied towards opening and repairing the Streets in the said Town, and the other half to the person who may sue for the same: Provided always, that no person appointed as aforesaid shall be liable to serve such Office more than once in every Two Years.

Penalty on Reeve neglecting or refusing to perform duty.

No person liable to serve more than once in every two years.

III. From and after the passing of this Act, if any Horse, Mare or Gelding, shall be found at large within the Streets or Square of *Georgetown*, between the First Day of *January* and the the Fifteenth Day of *April*, in each year, the Owner or Owners thereof shall be liable to pay a Fine of Five Shillings, to be recovered, with Costs, as herein before directed.

Owner of Horse, Mare, &c., found at large, liable to a Penalty, in certain cases.

Fines and forfeitures, how applied.

IV. All Fines and Forfeitures recoverable under this Act, excepting the Fine imposed by the Second Section, after deducting all Costs and Expenses incurred, shall be disposed of in manner following :—One-half to the Person who shall prosecute for the same, and the remaining moiety to the Assessors in the said Town, to be by them applied towards opening and keeping in repair the Streets in the said Town.

Limitation of Act.

V. This Act shall be and continue in force for Four years, and from thence to the end of the then next Session of the General Assembly, and no longer.

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## CAP. XLII.

An ACT relating to the Alewives and other Fisheries, and the appointment of Protectors or Overseers of Fisheries, and to prohibit the taking of Salmon after a certain period of the year, and for certain purposes therein mentioned.

[April 3, 1852.]

WHEREAS it is expedient to make further provision for the preservation and improvement of the Alewives and other Fisheries: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows:—

Lt. Governor may appoint Overseers or Protectors of the Alewives and other Fisheries.

I. On application being made by not less than Twenty Persons, resident near to any Fishing Station in this Island, including Two Justices of the Peace, it shall and may be lawful for the Lieutenant Governor of this Island, by and with the advice and consent of Her

Majesty's Executive Council of this Island, if he shall think fit, to nominate and appoint one fit and proper person to be Overseer or Protector of the Alewives and other Fisheries at such station or place; and every such person so appointed shall be entitled to receive from the Public Treasury of this Island the yearly sum of Five Pounds, upon his producing a Certificate on or before the last day of *January*, in each year, from two of the nearest Justices of the Peace, stating that to the best of their knowledge he has faithfully performed the several duties enjoined upon him by this Act: Provided always, that at no one time shall any greater number of Protectors or Overseers than Six be appointed to receive allowance under this Act.

Allowance to  
such Overseers

Number of such  
Overseers.

II. It shall be the duty of the said persons so to be appointed Protectors or Overseers as aforesaid, annually, when they apply for their allowance under this Act, to furnish a Return, in writing, to the Government, of the quantity and descriptions of Fish during the then previous year caught or taken within or near to their respective precincts; and they are hereby severally authorised and required within such their Precincts, at all times of the year, by all legal ways and means, strictly to enforce the Provisions of this Act, and of the Act of the Seventh year of Her present Majesty, Chapter Twenty-nine, and of the Act of the Eighth year of the Reign of Her present Majesty, Chapter Twenty, and of all other Acts of the General Assembly of this Island regulating the Fisheries of this Island and the setting of Nets in the Bays, Rivers and Streams thereof.

Duty of Over-  
seers.

Provisions of  
this Act and the  
Acts, 7 Vic., c.  
29, 8 Vic., c.  
20, &c., to be  
strictly en-  
forced.

III. It shall be the further duty of such Overseers or Protectors, so to be appointed as

Further duty of  
Overseers.



aforesaid, after it shall be ascertained that the Alewives have come up into the Ponds and Creeks, to proceed to the neighbourhood thereof, and to the most usual and general Fishing places within their respective Precincts or Stations, and continue to be there, or at such place or places at which they may consider it most necessary to attend, for a period not less than Eighteen working days, and to warn persons against and prevent the improper and unlawful setting of Nets or Seines; and it shall be lawful for any person aggrieved by the illegal or improper setting of Nets or Seines to notify the nearest Overseer or Protector thereof, who is thereupon hereby required to investigate the circumstances; and if he shall find that the Nets or Seines have been illegally or improperly set, he shall and is hereby authorised to abate and remove the same, and to prosecute the person to whom they belong or who shall have set them for the Penalties imposed by this or any other Act in force relating thereto.

Persons aggrieved may notify nearest Overseer, who is to investigate the circumstances, &c.

Copy of this Act to be furnished to Overseer, and also of the Acts, 7 Vic., c. 29, and 8 Vic., c. 20.

IV. There shall be furnished to each person so being appointed Protector or Overseer as aforesaid, a Copy of this Act, and also of the Act of the Seventh year of the Reign of Her present Majesty Queen *Victoria*, Chapter Twenty-nine, and also of the Act of the Eighth year of the Reign of Her present Majesty, Chapter Twenty.

Taking of Salmon prohibited between 1st Oct. and 1st May.

V. It shall be unlawful for any person, by Spearing or Sweeping with Net or Seine, or otherwise, after the First Day of *October*, in any year, until the First Day of *May*, in the following year, to take or attempt to take any Salmon in any River, Bay, Creek, Pond or Stream, in this Island.

VI. Any person who shall violate the provisions of the last Clause shall forfeit a sum not exceeding Five Pounds for each and every offence—the same to be sued for and recovered, with Costs, before any one of Her Majesty's Justices of the Peace for the County wherein the Offence is committed, on the Oath of one or more credible Witness or Witnesses; and one-half thereof shall be paid to the Protector of Fisheries or other person who may sue for the same, and the other half shall be paid into the Treasury of this Island, for the use of Her Majesty's Government.

Penalty on persons violating provisions of Sect. 5, and mode of recovery thereof.

Appropriation of Penalty.

VII. Every person, after the said First Day of *October*, in any year, who shall be discovered, at night, with a Spear or a Torch only, in or about any River, Bay, Creek, Pond or Stream, in this Island, either in a Boat or Canoe, or otherwise, and apparently equipped for taking or spearing Salmon, shall be considered in the act of spearing Salmon, and the burthen of disproving the same shall be upon the party so discovered—Indians excepted.

After 1st Oct., persons discovered equipped for taking Salmon, to be considered as detected in the act—Indians excepted.

VIII. If any person who accepts the Office of Overseer or Protector of the Alewives and other Fisheries shall wilfully refuse or neglect to perform any of the duties enjoined upon him by this Act, he shall forfeit and pay a sum not exceeding Ten Pounds, together with reasonable Costs—the same to be recovered before any Two Justices of the Peace, in the name of Her Majesty, with Costs, and to be paid into the Treasury, to and for the use of Her Majesty's Government.

Penalty on Overseer for neglect of duty.

Mode of recovery and appropriation of Penalty.

## CAP. XLIII.

An ACT for Appropriating certain Moneys therein mentioned, for the Service of the Year of Our Lord One thousand eight hundred and fifty-two.

[April 3, 1852.]

MAY IT PLEASE YOUR EXCELLENCY :

**W**E, Her Majesty's dutiful and loyal Subjects, the House of Assembly of Prince Edward Island, towards appropriating the several Supplies raised for the exigencies of Her Majesty's Government, do humbly beseech that it may be enacted ; and be it therefore enacted, by the Lieutenant Governor, Council and Assembly : That by and out of such Moneys as from time to time shall be and remain in the Public Treasury of this Island, there shall be allowed and paid, for the Services herein mentioned, the several Sums following, (that is to say) :

£8,500 for  
general service  
of Roads,  
Bridges, &c.,  
viz.:

A sum not exceeding Three thousand Five hundred Pounds for the general service of Roads, Bridges and Wharfs, (in addition to the amount which may be realized in Labour from the several Promissory Notes due the Government,) to be expended agreeably to the Report of the Committee of the House of Assembly, appointed for the consideration of all matters relating to Roads, Bridges and Wharfs; and that such sum be divided among the Three Counties as follows :

£1,840 for  
Queen's County;

Queen's County, One thousand Three hundred and Forty Pounds.

£1,080 for  
King's County;

King's County, One thousand and Eighty Pounds.

£1,080 for  
Prince County.

Prince County, One thousand and Eighty Pounds.

And a further sum of One hundred and Fifty Pounds, to defray the contingent expenses of Roads, Bridges and Wharfs for the present year—should the same be required—to be equally divided among the Three Counties.

£150 for contingent expenses of Roads, &c.

And a further sum of Three hundred Pounds, to defray expenses under the Road Compensation Act, for the present year, should the same be required.

£300 to defray expenses under Road Compensation Act.

And a further sum of Seven hundred Pounds, to defray the Salary of the Chief Justice, for the present year.

£700 for Salary of Chief Justice.

And a further sum of Four hundred Pounds, to defray the Salary of the Colonial Secretary and Road Correspondent, for the present year.

£400 for Salary of Colonial Secretary.

And a further sum of Four hundred Pounds, to defray the Salary of the Treasurer of this Island, for the present year.

£400 for Salary of Treasurer.

And a further sum of Five hundred Pounds, to defray the Salary of the Master of the Rolls and Assistant Judge, for the present year.

£500 for Salary of Master of the Rolls.

And a further sum of Two hundred Pounds, to defray the Salary of the Registrar and Keeper of Plans, for the present year.

£200 for Salary of Registrar, &c.

And a further sum of One hundred and Fifty Pounds, to defray the Salary of the Attorney General, for the present year.

£150 for Salary of Attorney General.

And a further sum of Two hundred Pounds, to defray the Salary of the Collector of Impost at *Charlottetown*, for the present year.

£200 for Salary of Collector of Impost.

And a further sum of One hundred and Ninety-five Pounds, to defray the Salaries of Controllers of the Navigation Laws for the several Ports in this Island, for the present year.

£195 for Salaries of Controllers of Navigation Laws.

And a further sum of Three hundred and Fifty Pounds, to defray the Salary of the Postmaster General of this Island, for the present year.

£350 for Salary of Postmaster General.

And a further sum of One hundred and Twenty Pounds, to defray the Salary of the

£120 for Salary of Clerk of Exe.

Executive Council,  
&c.

Clerk of the Executive and Legislative Councils, for the present year.

300*l.* to defray  
Salaries of Masters  
of Central  
Academy.

And a further sum of Three hundred Pounds, to defray the Salaries of the Masters of the Central Academy, for the present year.

25*l.* for Salary  
of Adjutant  
General of  
Militia.

And a further sum of Twenty-five Pounds, to defray the Salary of the Adjutant General of Militia, for the present year.

68*l.* for Salary,  
&c., of Harbour  
Master, &c.

And a further sum of Sixty-eight Pounds, to defray the Salary and Office Rent of the Harbour Master and Wharfinger for the Port of *Charlottetown*, for the present year.

300*l.* for Salaries  
of 30 Road  
Commissioners.

And a further sum of Three hundred Pounds, to defray the Salaries of Thirty Road Commissioners, at Ten Pounds each, for the present year.

350*l.* for Lunatic  
Asylum.

And a further sum of Three hundred and Fifty Pounds, towards the support and maintenance of the Lunatic Asylum and House of Industry, for the present year—should the same be required for the support of the Inmates thereof, and the necessary expenses of the Establishment.

40*l.* for Market  
Clerks.

And a further sum of Forty Pounds, to defray the Salaries of the Market Clerks of *Charlottetown*, for the present year.

90*l.* for Country  
Postmasters.

And a further sum of Ninety Pounds, to defray the Salaries of the Country Postmasters, for the present year.

400*l.* to late Attorney  
General and Colonial  
Secretary.

And a further sum of Four hundred Pounds, to defray the allowance to the late Attorney General and Colonial Secretary, for the present year.

60*l.* to Sheriffs  
of King's,  
Queen's and  
Prince Counties.

And a further sum of Sixty Pounds, to defray the Salaries of the Three Sheriffs for King's, Queen's and Prince Counties, for the present year.

20*l.* to Messenger  
of Executive  
Council.

And a further sum of Twenty Pounds, to defray the Salary of the Messenger of the Executive Council, for the present year.

And a further sum of Twenty Pounds, to defray the Salary of the Crier of the Supreme Court and Tipstaff in Chancery, for the present year.

20V. to Crier of Supreme Court, &c.

And a further sum of Forty Pounds, to defray the Salary of the Jailer of *Charlottetown* Jail, for the present year.

40V. to *Charlottetown* Jailer.

And a further sum of Sixty Pounds, to defray the Salaries of the Jailers of King's and Prince Counties, for the present year.

60V. to Jailers of King's & Prince Counties.

And a further sum of Fifteen Pounds, to defray the allowance of the Matron of the *Charlottetown* Jail, for the present year.

15V. to Matron of *Charlottetown* Jail.

And a further sum of Five Pounds, to defray the Salary of the Assayer of Weights and Measures in *Charlottetown*, for the present year.

5V. to Assayer of Weights and Measures.

And a further sum of Ten Pounds, for the Medical Attendant of *Charlottetown* Jail, for his services and for Medicines, for the present year.

10V. to Medical Attendant of *Charlottetown* Jail.

And a further sum of Eight Pounds, to defray the Allowances to the Medical Attendants of King's and Prince County Jails, for the present year.

8V. to Medical Attendants of King's & Prince County Jails.

And a further sum of Sixty Pounds, to defray the Salary of the Keeper of the Colonial Building, for the present year.

60V. to Keeper of Colonial Building.

And a further sum of Fifty Pounds, to defray the Salary of the Keeper of *Point Prim* Lighthouse, for the present year.

50V. to Keeper of *Point Prim* Lighthouse.

And a further sum of Forty Pounds to *Daniel Hodgson*, Esquire, Clerk of the Crown, for his services for paying Crown Witnesses, Travelling Expenses in attending the County Courts, and other necessary duties connected with his Office, exclusive of the Fees allowed him by Law.

40V. to Clerk of the Crown.

And a further sum of Fifty Pounds, to defray the expense of Plans, Estimates, and the Superintending of Public Works, for the present year.

50V. for Public Plans, Estimates, &c.

10*l.* to Legisla-  
tive Librarian.

And a further sum of Ten Pounds, to defray the Salary of the Librarian to the Legislature, for the present year.

190*l.* for She-  
diac & George-  
town Packets.

And a further sum of One hundred and Thirty Pounds, to defray the Amount allowed by Law for the *Shediac* and *Georgetown* Packets.

550*l.* for Crown  
Prosecutions.

And a further sum of Five hundred and Fifty Pounds, or as much thereof as may be required, to defray the Cost of Crown Prosecutions for the present year.

600*l.* for con-  
ducting Foreign  
Mails.

And a further sum of Six hundred Pounds, to defray the expenses of conducting the Summer Foreign Mails, for the present year.

220*l.* for Win-  
ter Mails.

And a further sum of Two hundred and Twenty Pounds, to defray the expenses of conveying the Winter Mails to and from the Provinces of *Nova Scotia* and *New Brunswick*, for the present year.

400*l.* for Inland  
Mails.

And a further sum of Four hundred Pounds, to defray the expenses of conducting the Inland Mails, for the present year.

75*l.* for Public  
Postage.

And a further sum of Seventy-five Pounds, to defray the amount of Public Postage, for the present year.

400*l.* for Fuel  
and Bread for  
3 County Jails.

And a further sum of Four hundred Pounds, to defray the expense of Fuel and Bread for the Three County Jails, with any other contingent expenses for the present year, should the same be required.

400*l.* for Public  
Printing.

And a further sum of Four hundred Pounds, to defray the expenses of Public Printing and Stationery, should the same be required.

75*l.* for Light at  
Point Prim.

And a further sum of Seventy-Five Pounds, or as much thereof as may be required, to defray the expense of Lighting the Lighthouse at *Point Prim*, for the present year—the principal Articles to be supplied by Tender.

45*l.* for Lights  
at St. Paul's

And a further sum of Forty-five Pounds, to defray the proportion of expense payable by the

Government of this Island, for the Light Houses on *Saint Paul's* and *Scatarie*.

And a further sum of Seventy-five Pounds, to defray the expenses of Buoys and Beacons in the several Ports in this Island, for the present year.

75*l.* to defray expense of Buoys and Beacons.

And a further sum of Fifty Pounds, to defray the expenses and travelling charges on Coroner's Inquests, should the same be required.

50*l.* to defray expenses of Coroner's Inquests.

And a further sum of Twenty Pounds, to defray the amount of Premiums for the destruction of Bears and Loupcerviers, for the present year, should the same be required.

20*l.* for destruction of Bears, &c.

And a further sum of Fourteen Pounds, to defray the Assessment on Government Pews in *Saint Paul's* Church, *Charlottetown*.

14*l.* for Government Pews in *St. Paul's* Church.

And a further sum of Five hundred Pounds, to defray the Interest on Debentures, for the present year.

500*l.* to defray Interest on Debentures.

And a further sum of Five hundred Pounds, to defray the Interest on Treasury Warrants, for the present year.

500*l.* to defray Interest on Warrants.

And a further sum of Three hundred and Fifty Pounds, to defray the contingent expenses of the Government, for the present year.

350*l.* for contingent expenses of Government.

And the further sum of One hundred and Fifty Pounds to the Joint Committee of both Houses of the Legislature having charge of Government House and Furniture, for the present year.

150*l.* to Committee in charge of Government House, &c.

And a further sum of Two hundred and Twelve Pounds Five Shillings and Five-pence, to the Joint Committee of both Houses of the Legislature having charge of Government House and Furniture, to defray Accounts now due.

212*l.* 5*s.* 5*d.* to Government House Committee.

And a further sum of Two Pounds Ten Shillings, to defray the Salary of the Market Clerk in *Georgetown*, for the present year.

2*l.* 10*s.* to Market Clerk at *Georgetown*.

And a further sum of Six Pounds each to the following Churches, in payment of Pew Rent

6*l.* each for Pews in the



Wesleyan, Roman Catholic & Presbyterian Churches.

for the service of the Legislature, for the present year, viz.:—The Wesleyan Church; The Roman Catholic Church; The Presbyterian Church.

A sum sufficient to defray Cod and Mackerel Bounties.

And a further sum sufficient to defray the amount of Bounties allowed by Law for the Cod and Mackerel Fisheries, for the present year.

60*l.* to the Speaker, and 30*l.* to each Member of the Assembly, &c.

And a further sum of Sixty Pounds to the Speaker, and the sum of Thirty Pounds to each of the Members of the House of Assembly, together with the usual travelling expenses in coming to and returning from the present Session, and a proportionable rate to such Members being now absent from the Island for such time as they may attend in their places after their return.

60*l.* to the Auditors of Public Accounts.

And a further sum of Sixty Pounds to the Persons appointed to audit and classify the Public Accounts, for the present year.

A sum sufficient to defray the expenses of the Legislature.

And a further sum sufficient to defray the contingent expenses of the Legislative Council and House of Assembly, for the present Session, and Fuel for the Colonial Building, for the present year.

A sum sufficient to defray Drawbacks.

And a further sum sufficient to defray the Amount of Drawbacks payable by Law, during the present year.

128*l.* 5*s.* 6*d.* for repairs of Winter Roads.

And a further sum of One hundred and Twenty-eight Pounds Five Shillings and Sixpence, to defray the amount of Contracts for the Repairs of Winter Roads, for the present year.

A sum sufficient to defray expense of Constables in attendance on Supreme Court.

And a further sum sufficient, at the disposal of the Lieutenant Governor and Council, to provide for the payment of Four Constables to attend the Hilary and Trinity Terms of the Supreme Court held in Queen's County, and for the attendance of Two Constables at the several Supreme Courts in King's and Prince Counties, and Two Constables for the Easter

and Michaelmas Terms of *Queen's County*, at the rate of Three Shillings per day.

And a further sum of Four Pounds to *Andrew Doyle*, of *Charlottetown*, for removing a Vessel having the Small Pox on board.

4l. to Andrew Doyle.

And a further sum of Five hundred Pounds, or as much thereof as may be necessary and equal to double the amount of the sum subscribed, to be placed at the disposal of the Lieutenant Governor in Council, in aid of the Funds of the Royal Agricultural Society—said sum to be paid to the Secretary and Treasurer of said Society, to be applied for the general benefit of that Institution, under the provisions of the Act of Incorporation: One hundred Pounds of the above sum to be placed at the disposal of the Government, for the purpose of procuring, if possible, a person competent to Lecture on Agricultural Chemistry for a School Visiter, under the Act passed this Session for the Encouragement of Education.

500l. to Royal Agricultural Society.

And a further sum, sufficient to defray the expense of purchasing Two Lamps for the Light House at *Point Prim*.

A sum sufficient to procure Lamps for Point Prim Light House.

And a further sum of Forty Pounds, or as much thereof as may be required, for general repairs to *Point Prim* Light House.

40l. for repairs of said Light House.

And a further sum of Six Pounds Six Shillings and One Penny, to defray the expense of erecting a Ferry Slip on the *Cardigan* Shore, at the end of the Road to be opened separating *Georgetown* Common from the Royalty.

6l. 6s. 1d. for Ferry Slip at Cardigan Shore.

And a further sum of Five Pounds to *Eliphalet Allen*, of *Cape Tormentine*, to remunerate him for the safe keeping of the Mails for several years past.

5l. to Eliphalet Allen, Cape Tormentine.

And a further sum of One hundred Pounds, or as much thereof as may be required, at the disposal of the Lieutenant Governor in Council,

100l. to defray expenses of Board of Health.

to defray the Expenses of Boards of Health for the present year.

75*l.* to Legislative Library Committee.

And a further sum of Seventy-five Pounds, at the disposal of the Joint Committee in charge of the Legislative Library, for the purchase of Books.

40*l.* for Road North side of Ellis River Bridge.

And a further sum of Forty Pounds, at the disposal of the Lieutenant Governor in Council, to defray the balance due for the Road on the North side of *Ellis River* Bridge.

A sum sufficient for the encouragement of General Education.

And a further sum sufficient, at the disposal of the Lieutenant Governor in Council, for the encouragement of General Education, for the present year.

20*l.* for Roads and Bridges in Queen's County.

And a further sum of Twenty Pounds, at the disposal of the Lieutenant Governor in Council, to defray the balance due for the Roads and Bridges in the Third Electoral District of *Queen's County*, agreeably to the Scale of Division of the Committee of the House of Assembly.

30*l.* for repairing and painting Old Court House.

And a further sum of Thirty Pounds, at the disposal of the Government, to defray the expense of Repairing and Painting the Old Court House, or as much thereof as may be required.

200*l.* for Slips, &c., at Minchin's Point.

And a further sum of Two hundred Pounds, at the disposal of the Government, for erecting Slips, building Protection Blocks and repairing Wharf for *Charlottetown* Ferry, at *Minchin's Point*.

10*l.* to widow of late W. Cullen.

And a further sum of Ten Pounds to the Widow of the late *William Cullen*, *Charlottetown*.

500*l.* for discovery of a bed or seam of Coal.

And a further sum of Five hundred Pounds, at the disposal of the Government, to any person or persons who shall, within Two Years from this time, by boring or otherwise, discover a Bed or Seam of Coal in this Island, sufficient in extent to supply the Inhabitants of this Island with Fuel, to the satisfaction of the Government.

And a further sum of Twenty-five Pounds to *Malcolm Livingston*, to reimburse him in full of all demands for building a Block or Wharf at *Minchin's Point*.

25*l*. to *Malcolm Livingston*.

And a further sum of One hundred and fifty Pounds to the Commissioners appointed in the year Eighteen hundred and forty-eight to superintend the consolidating and re-printing the Laws, in full payment thereof, when completed.

150*l*. to Commissioners for superintending the consolidating and re-printing the Laws.

And a further sum of Two hundred Pounds, or as much thereof as may be required, at the disposal of the Government, for the establishment of a Marine Light on *Boughton Island*; and a like sum, or as much thereof as may be required, at the disposal of the Government, for a Harbour Light at the entrance of *Richmond Bay*; the Government to be requested to communicate with the Commissioners of Light Houses in *Nova Scotia*, with the view of ascertaining the practicability of Kerosene Gas for said Lights, in accordance with a plan recently submitted to the Legislature of *Nova Scotia* by *Dr. Gesner*, which obviates the necessity of having expensive Buildings for Light Houses.

200*l*. for a Marine Light on *Boughton Island*;

and a like sum for a Harbour Light at *Richmond Bay*.

And a further sum of One Pound Nineteen Shillings and Six-pence to *Joseph Wightman*, Esquire, to defray the amount of *J. D. Haszard's* Account for Sheriff's Advertisements for the years 1849 and 1850.

1*l*. 19*s*. 6*d*. to *Joseph Wightman*, Esq.

And a further sum of Two hundred Pounds, at the disposal of the Government, to *B. Hammett Norton*, Esquire, of *Pictou*, provided he runs a Steamer between *Quebec* and *Pictou*, calling at *Charlottetown*, *Shediac* and *Miramichi*, coming and going, once a fortnight, in accordance with his Petition.

200*l*. to *B. H. Norton*, Esq., *Pictou*, for Steamer.

And a further sum of Five Pounds to the Office Bearers of the *Princetown Royalty Literary and Scientific Society*, in aid of the Funds of that Institution.

5*l*. to *Princetown Literary Society*.

10*l.* to Mr.  
Easton, Master  
of Georgetown  
Infant School.

And a further sum of Ten Pounds to *Mr. Easton*, for teaching the Infant School, *Georgetown*, for the past and present year.

101*l.* 16*s.* for  
sundry School  
Teachers.

And a further sum of One hundred and one Pounds Sixteen Shillings, at the disposal of the Government, for the following Teachers, viz:

Richard Williams, Lot 25, £7 12 0

Kenneth McDonald, 3 16 0

Henry Leckie, Three Ponds,  
New London, 7 12 0

Anastatia McDonald, Surveyor's  
Inlet, 5 0 0

Simon Gill, Lot 36, 7 12 0

Mary Meavus, Lot 50, 7 12 0

James Gillender, Lot 18, 3 0 0

James Condon, Lot 34, 5 4 0

Angus McEachren, Black Bush,  
Lot 44, 7 12 0

Frederica Holland, Lot 34, 7 12 0

James Flynn, 7 12 0

The Trustees of the Two Schools

attached to the Roman Cath-

olic Church in Charlottetown,

£10 each, 20 0 0

James Lockerby, 7 12 0

Letitia Muirhead, 4 0 0

8*l.* 1*s.* 10*d.* to  
Hugh Logan.

And a further sum of Eight Pounds One Shilling and Ten-pence to *Hugh Logan*, Jailer, *Georgetown*, to remunerate him for loss sustained by the escape of a Prisoner.

4*l.* 10*s.* to J. P.  
Oxley.

And a further sum of Four Pounds Ten Shillings to *J. P. Oxley*, for keeping in repair the *Hillsborough Ferry* Pump for Four Years and a-half.

10*l.* to G. Hub-  
bard, Master of  
Charlottetown  
Infant School.

And a further sum of Ten Pounds to *George Hubbard*, for teaching the Infant School, *Charlottetown*.

100*l.* for the  
support of Lu-  
natics.

And a further sum of One hundred Pounds, at the disposal of the Government, for the support of Lunatics to be sent to the Asylum,

whose relatives are unable to support them, for the present year, should the same be required.

And a further sum of One Pound Fifteen Shillings to *Daniel Mooney*, Road Overseer, to defray the expenses of a Suit for non-performance of Statute Labour.

11. 15s. to D. Mooney.

And a further sum of Seven Pounds Ten Shillings to *Sarah Harvey*, for teaching the Bog School, in *Charlottetown*.

71. 10s. to Sarah Harvey.

And a further sum of Five Pounds to *Prudence Logan*, Matron of the *Georgetown* Jail, for the years One thousand eight hundred and fifty and One thousand eight hundred and fifty-one.

51. to Prudence Logan.

And a further sum of Three Pounds to *John Traynor*, for the Board and Lodging of a poor person previous to his admission to the Lunatic Asylum and House of Industry.

31. to John Traynor.

And a further sum of Sixty Pounds to *George Wright*, Esquire, Surveyor General, to aid him in the publication of a Map of this Island, prepared by him from the recent Survey of *Captain Bayfield*, on condition that he furnish Twenty Copies for the use of the Government, and the Map shall be published under the authority of the Legislature.

601. to George Wright, Esq., Surveyor General.

And a further sum of Seven Pounds Ten Shillings, to be placed at the disposal of *John Nicholl*, for the relief of the following persons, viz:—

71. 10s. to John Nicholl;

|                 |    |    |   |
|-----------------|----|----|---|
| Richard Frieze, | £4 | 0  | 0 |
| Richard Butler, | 2  | 0  | 0 |
| Samuel LeCocq,  | 1  | 10 | 0 |

And a further sum of Ten Pounds, to be placed at the disposal of *Hugh McDonald*, Esquire, for the relief of the following persons, viz:—

101. to Hugh McDonald, Esq.;

|                                                           |    |   |   |
|-----------------------------------------------------------|----|---|---|
| Thomas Sloan,                                             | £1 | 0 | 0 |
| Richard Cochran,                                          | 2  | 0 | 0 |
| Christy McNeill, for expenses<br>of her Father's Funeral, | 1  | 0 | 0 |
| Catherine Johnston,                                       | 1  | 0 | 0 |

|                                     |    |   |   |
|-------------------------------------|----|---|---|
| Donald McLeod,                      | £1 | 0 | 0 |
| Catherine McPhee, Gros Marsh,       | 1  | 0 | 0 |
| Widow Rowan, Sparrow's Road,        | 1  | 0 | 0 |
| Martin McInnis, for an Idiot Child, | 2  | 0 | 0 |

12l. to Edward  
Thornton, Esq.;

And a further sum of Twelve Pounds, to be placed at the disposal of *Edward Thornton*, Esquire, for the relief of the following persons, viz:—

|                                      |    |    |   |
|--------------------------------------|----|----|---|
| Mrs. Gardner,                        | £2 | 0  | 0 |
| Effy McSween,                        | 1  | 10 | 0 |
| Duncan Cameron and Wife,             | 1  | 10 | 0 |
| John & Sarah Johnston, Douse's Road, | 1  | 10 | 0 |
| Alice McQuade,                       | 1  | 10 | 0 |
| Rachael Bruce,                       | 1  | 0  | 0 |
| Mrs. Jamieson,                       | 1  | 10 | 0 |
| Widow Cooper Steel,                  | 1  | 10 | 0 |

5l. to William  
Morris;

And a further sum of Five Pounds, to be placed at the disposal of *William Morris*, for the relief of the *Griffin* Family.

19l. 16s. 8d. to  
D. Beaton.  
Esq.;

And a further sum of Nineteen Pounds Sixteen Shillings and Eight-pence, to be placed at the disposal of *Donald Beaton*, Esquire, for the relief of the following persons, viz:—

|                    |    |    |   |
|--------------------|----|----|---|
| Margaret Chevere,  | £1 | 5  | 0 |
| Daniel Connors,    | 4  | 10 | 0 |
| Robert Main,       | 3  | 0  | 0 |
| Thomas Deveraux,   | 1  | 5  | 0 |
| Charles Mullin,    | 1  | 10 | 0 |
| Mary Morrison,     | 1  | 5  | 0 |
| Widow Ford,        | 1  | 5  | 0 |
| Widow Morrison,    | 1  | 6  | 8 |
| William Cummings,  | 1  | 10 | 0 |
| Archangel Pocquet, | 1  | 10 | 0 |
| John Jones,        | 1  | 10 | 0 |

13l. 10s. to D.  
Flynn, Esq.;

And a further sum of Thirteen Pounds Ten Shillings, to be placed at the disposal of *Daniel Flynn*, Esquire, for the relief of the following persons, viz:—

|                    |    |    |   |
|--------------------|----|----|---|
| Widow Deagle,      | £1 | 5  | 0 |
| Widow McDonald,    | 1  | 5  | 0 |
| Placentia Chesson, | 1  | 5  | 0 |
| Widow Flynn,       | 1  | 5  | 0 |
| Widow LeBlanc,     | 2  | 10 | 0 |
| Æneas Chesson,     | 1  | 5  | 0 |
| Lauchlan Gillis,   | 2  | 0  | 0 |
| Richard Coughlan,  | 1  | 10 | 0 |
| Widow Lemon Burke, | 1  | 5  | 0 |

And a further sum of Sixteen Pounds Five Shillings, to be placed at the disposal of the Honorable *John Jardine*, for the relief of the following persons, viz :—

16l. 5s. to the  
Hon. John Jar-  
dine;

|                                       |    |    |   |
|---------------------------------------|----|----|---|
| Pierce Walsh,                         | £3 | 0  | 0 |
| Christy McEachren,                    | 3  | 0  | 0 |
| Widow Partridge,                      | 2  | 0  | 0 |
| Richard Whelan,                       | 1  | 15 | 0 |
| Donald McDonald, a blind per-<br>son, | 3  | 0  | 0 |
| Agnes Wilson's blind son,             | 1  | 0  | 0 |
| Harriet Nicholas,                     | 0  | 10 | 0 |
| Nancy McAdam,                         | 1  | 0  | 0 |
| James Dooling,                        | 1  | 0  | 0 |

And a further sum of Sixteen Pounds, to be placed at the disposal of *William Underhay*, Esquire, for the relief of the following persons, viz :—

16l. to W. Un-  
derhay, Esq.;

|                                       |    |    |   |
|---------------------------------------|----|----|---|
| Mrs. Brown,                           | £2 | 0  | 0 |
| Mrs. Henderson,                       | 3  | 0  | 0 |
| Mrs. Mathewson,                       | 3  | 0  | 0 |
| John D. Cost,                         | 1  | 10 | 0 |
| Donald McLeod (Wooden Leg),           | 2  | 0  | 0 |
| Malcolm McDonald, De Gros<br>Marsh,   | 2  | 0  | 0 |
| Edward Roach,                         | 1  | 10 | 0 |
| Christy Brown, an Insane Per-<br>son, | 1  | 0  | 0 |

And a further sum of Eight Pounds Ten Shillings, to be placed at the disposal of *James*

8l. 10s. to J<sup>s</sup>.  
Beairto, Esq.;



*Beairsto*, Esquire, for the relief of the following persons, viz:—

|                      |    |    |   |
|----------------------|----|----|---|
| Benjamin Warvin,     | £2 | 0  | 0 |
| George Howell,       | 8  | 0  | 0 |
| Thomas Larkin, jun., | 2  | 0  | 0 |
| Sarah McDonald,      | 1  | 10 | 0 |

24. 10s. to A.  
Fraser, Esq.;

And a further sum of Twenty-four Pounds Ten Shillings, to be placed at the disposal of *Allan Fraser*, Esquire, for the relief of the following persons, viz:—

|                              |    |    |   |
|------------------------------|----|----|---|
| Judith Durossa Gallant,      | £2 | 10 | 0 |
| Samuel Cameron,              | 2  | 10 | 0 |
| Richard Power,               | 2  | 0  | 0 |
| Widow Perry,                 | 2  | 0  | 0 |
| John Gallant,                | 2  | 0  | 0 |
| Michael Long,                | 2  | 0  | 0 |
| Clement Perry,               | 2  | 0  | 0 |
| Gushary Perry,               | 2  | 0  | 0 |
| John Morrison,               | 1  | 10 | 0 |
| Peter Richam,                | 1  | 10 | 0 |
| Old Malone and Wife,         | 1  | 10 | 0 |
| Placide Arsneaux,            | 2  | 0  | 0 |
| Charles Barnet, Idiot Child, | 1  | 0  | 0 |

35. to the Treasurer;

And a further sum of Thirty-five Pounds, to be placed at the disposal of the Treasurer, for the relief of the following persons, viz:—

|                           |    |    |   |
|---------------------------|----|----|---|
| Nancy Murphy, Lot 27,     | £2 | 0  | 0 |
| Anna Maria Baker,         | 2  | 0  | 0 |
| Mary Flamey,              | 1  | 10 | 0 |
| Catherine Murphy,         | 1  | 10 | 0 |
| Mary Connelly,            | 1  | 10 | 0 |
| Widow McCarvill,          | 1  | 10 | 0 |
| James Murphy, Lot 28,     | 3  | 0  | 0 |
| John Rice,                | 4  | 10 | 0 |
| Thomas McRae,             | 2  | 0  | 0 |
| Richard Knight,           | 1  | 10 | 0 |
| Elizabeth Snow,           | 3  | 0  | 0 |
| John Dogherty,            | 2  | 0  | 0 |
| — McMullen, Barbara Wiet, | 2  | 10 | 0 |

Thomas Condon, £2 10 0

Andrew Morrison, 4 0 0

And a further sum of Thirty-two Pounds, to be placed at the disposal of the Honourable the Colonial Secretary, for the relief of the following persons, viz:—

82l. to the Colonial Secretary;

Aby Bell, £2 0 0

Julian Duvocher, 2 0 0

Elizabeth Collins, 4 0 0

George Murray, 3 0 0

William M'Neill, 3 10 0

Sally Frances, 1 0 0

Widow Prosper Perry, 1 0 0

Widow Gallant, 1 0 0

Samuel Gallant and wife, 1 10 0

John Perry, 1 10 0

Joseph Doucette, 1 10 0

Barbara Gallant and Daughter, 1 10 0

Mary Cahill, 4 0 0

Colin Arsneaux, 1 10 0

Julian Perry and Wife, 1 0 0

Donald McPherson, 2 0 0

And a further sum of Nine Pounds Ten Shillings, to be placed at the disposal of the Reverend *Samuel McLeod*, Uigh, for the relief of the following persons, viz:—

9l. 10s. to Rev. S. McLeod;

Catherine Curry, Lot 50, £1 0 0

Marcella Kelly, 1 10 0

Lauchlan McDonald, 1 0 0

Dougald McPherson, (Douse's

Road), 1 10 0

Widow Spencer, formerly Christy

Gordon, 1 10 0

Margaret Horne, Gallows Point, 1 10 0

Widow Willock, 1 10 0

McGregor's Orphan Child, to

be at the disposal of Edward

Thornton, Esquire, 1 0 0

And a further sum of Ten Pounds Ten Shillings, to be placed at the disposal of *Simon*

10l. 10s. to S. McKinnon;

*McKinnon*, (*Newtown*), for the relief of the following persons, viz:—

|                               |         |
|-------------------------------|---------|
| James Campbell, Portage, Bel- |         |
| fast,                         | £1 10 0 |
| Widow McAulay,                | 1 0 0   |
| Mal. McAulay (insane),        | 1 0 0   |
| Patrick Coily (blind),        | 2 0 0   |
| Flora McLeod,                 | 1 0 0   |
| Donald Mathewson, (Green      |         |
| Marsh),                       | 2 0 0   |
| John McLeod, Glasseon,        | 1 0 0   |
| John Campbell,                | 1 0 0   |

St. to James  
Munn;

And a further sum of Nine Pounds, to be placed at the disposal of *James Munn*, for the relief of the following persons, viz:—

|                                  |        |
|----------------------------------|--------|
| Widow McRae, Lot 60,             | £3 0 0 |
| Effy Mathewson,                  | 1 10 0 |
| Margaret Finlayson, Belle Creek, | 1 10 0 |
| Malcolm Nicholson, Rona Set-     |        |
| tlement,                         | 1 10 0 |
| Widow John Munn,                 | 1 10 0 |

271. to Robert  
Mooney, Esq.;

And a further sum of Twenty-seven Pounds, to be placed at the disposal of *Robert Mooney*, Esquire, for the relief of the following persons, viz:—

|                             |         |
|-----------------------------|---------|
| John McDonald, Lot 37,      | £2 10 0 |
| Patrick Shea,               | 2 10 0  |
| John Austen, for two years, | 3 0 0   |
| Widow McInnis, Savage Har-  |         |
| bour,                       | 1 10 0  |
| John Ready,                 | 1 10 0  |
| Agnes McEwen,               | 2 10 0  |
| Elizabeth Fitzsimmons,      | 1 10 0  |
| Ann Morris,                 | 2 0 0   |
| Patrick McLean,             | 2 0 0   |
| Widow Quinn,                | 1 0 0   |
| Maria Carrol,               | 1 10 0  |
| Angus Gillis,               | 1 10 0  |
| Widow Hand,                 | 2 10 0  |
| Widow Steel,                | 1 10 0  |

And a further sum of Seventeen Pounds, to be placed at the disposal of *Neil McNeill*, Esquire, for the relief of the following persons,

17l. to N. McNeill, Esq.;

viz:—

|                         |    |    |   |
|-------------------------|----|----|---|
| Duncan Shaw,            | £3 | 0  | 0 |
| Widow Morrison, Lot 30, | 1  | 10 | 0 |
| Patrick McCarron,       | 2  | 10 | 0 |
| James Conway,           | 2  | 0  | 0 |
| Widow Hughes, Lot 30,   | 1  | 0  | 0 |
| Thomas Best,            | 2  | 10 | 0 |
| Ellen McCarron,         | 2  | 0  | 0 |
| Mrs. Fall,              | 2  | 10 | 0 |

And a further sum of Twenty-seven Pounds, to be placed at the disposal of the Honorable *George Coles*, for the relief of the following persons, viz:—

27l. to Hon. G. Coles.;

|                             |    |    |   |
|-----------------------------|----|----|---|
| Mary Campbell, New London,  | £1 | 10 | 0 |
| Mrs. Brown, Lot 67,         | 1  | 10 | 0 |
| Mary McKinnon, Lot 67,      | 1  | 10 | 0 |
| Sarah Smith, Lot 34,        | 1  | 0  | 0 |
| Isabella McDougald, Lot 33, | 1  | 10 | 0 |
| John Brent, Lot 34,         | 1  | 10 | 0 |
| Archibald McKenzie, Lot 67, | 1  | 10 | 0 |
| Alexander McLennan, Lot 67, | 1  | 10 | 0 |
| Donald Nicholson,           | 1  | 0  | 0 |
| Widow Leitch,               | 1  | 0  | 0 |
| Mary McLeod,                | 1  | 10 | 0 |
| Neil McSweeney,             | 1  | 10 | 0 |
| Alexander McLeod,           | 1  | 10 | 0 |
| Widow McSween,              | 1  | 10 | 0 |
| Thomas Allyne,              | 3  | 0  | 0 |
| Malcolm McKinnon,           | 3  | 0  | 0 |
| Flora Nicholson,            | 1  | 10 | 0 |

And a further sum of Fifty-three Pounds, to be placed at the disposal of the Benevolent Irish Society, for the relief of the following persons, viz:—

53l. to the Benevolent Irish Society;

|                |    |   |   |
|----------------|----|---|---|
| Moses Covenay, | £2 | 0 | 0 |
| Widow Minchin, | 2  | 0 | 0 |
| Widow Kelly,   | 3  | 0 | 0 |

|                            |    |    |   |
|----------------------------|----|----|---|
| William McGrath,           | £1 | 10 | 0 |
| Caleb Sentner,             | 3  | 0  | 0 |
| Samuel Martin,             | 2  | 10 | 0 |
| Matthew Geary (a Cripple), | 5  | 0  | 0 |
| Anastatia Carrigan,        | 2  | 0  | 0 |
| Philip Cody,               | 4  | 0  | 0 |
| Margaret McArthy,          | 8  | 0  | 0 |
| William Purcell,           | 10 | 0  | 0 |
| Patrick Trayner,           | 4  | 0  | 0 |
| James Calligan,            | 3  | 0  | 0 |
| Mary Murphy,               | 3  | 0  | 0 |

St. to A. Laird,  
Esq.;

And a further sum of Nine Pounds, to be placed at the disposal of *Alexander Laird*, Esquire, for the relief of the following persons, viz:—

|                       |    |    |   |
|-----------------------|----|----|---|
| Jane and Maria Loman, | £2 | 0  | 0 |
| Victoria Peters,      | 1  | 10 | 0 |
| Jude Doucette,        | 1  | 0  | 0 |
| Pierce Doucette,      | 1  | 10 | 0 |
| Widow Blackard,       | 1  | 0  | 0 |
| Robert Gass,          | 2  | 0  | 0 |

10l. to Jeremiah  
Simpson, Esq.;

And a further sum of Ten Pounds, to be placed at the disposal of *Jeremiah Simpson*, Esquire, for the relief of a Family named *McKay, Mill River*.

10l. to Ladies'  
Dorcas Society;

And a further sum of Ten Pounds, to the Ladies' Dorcas Society, in aid of the funds of that Institution.

30l. to said  
Society;

And a further sum of Thirty Pounds, to be placed at the disposal of the Ladies Dorcas Society, for the relief of the following persons, viz:—*Joanna Allen, Catherine O'Neill, Widow Lewis, Margaret Knowlan, Sarah Moore, Joanna Wall, Mary Kelly, Mary Brimcan.*

—all for the relief of poor and indigent persons.

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E. E. F. M.  
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